simulation showed vessels lined up "bumper to bumper" in opposite directions at the closed Rail Bridge. When the bridge opened the vessels traveled through the opening with 2-way traffic in opposite directions. When the bridge closed the boats abruptly stopped "bumper to bumper" as if they were vehicles at a traffic signal.



Vehicular Traffic Model used for Boat Calculations

- 5. The current and the wind between the three bridges make it difficult to navigate and impossible to wait between the bridges. Eastbound and westbound vessels cannot pass through the three bridges at the same time so one queue must clear before the other queue starts through the channel.
- 6. The DEIS assumes that each queue, developed during a bridge closure, will be eliminated before the next closure cycle begins. With a nearly three-fold increase of expected boat arrivals on weekend and a 1.6 increase on Fridays, this is not at all certain. It is possible, depending on train schedules for one queue to feed into another, creating a major navigation hazard.
- The DEIS reports an average daily vessel arrival of 157 per day passing through the Rail Bridge.
 Martin County Engineering's independent study showed a daily vessel count of 243 vessels per day.
- 8. The DEIS states that the data collected represents about 21 days of data from peak vessel traffic seasons, however data collected at the Loxahatchee Railroad Bridge shows no difference in vessel traffic between seasons or months. The inference here is that the data represents the most active time period, which is at odds with Martin County's findings.
- 9. Martin County began data collection in early July, 2014, producing over 120 days of data at the time of this review (see Exhibit C Vessel Traffic Data). The data tracks well with the data collected for the Loxahatchee River Bridge, and indicate that there are over 450 boats per day on weekends and over 250 boats per day on Fridays. Boat counts reflect traffic during daylight hours only and therefore under count total boat traffic. Peak travel hours are from 10 AM to 5 PM,

- however substantial boat traffic is seen between 6 AM and 8 PM daily. In contrast, the DEIS states: "vessel traffic data show an average of 102 vessel crossings per day (Min=28; Max=263) from Monday to Friday, compared to about 315 vessels (Min=157; Max=413) per day on a weekend. Sundays had the most vessel activity, with a range of 296 to 395 vessel counts" (DEIS overall average is computed as 121 boats/day compared to actual average of 235 boats/day).
- 10. Interpolating from the DEIS reported average of 157 boats per day to the measured 450 boats per day on weekends and using the reported information in table 5.1.3.4, the expected number of recreational boats with a wait time would be 2.9 times the reported number of 63 boats or a total of 180 boats.
- 11. The DEIS estimated queue lengths of 10 boats maximum based on an estimate of 157 boat arrivals per day. The measured 450 boats per weekend day would result in expected queue length of 29 boats. Accurate information is needed on how long it takes for 29 boats to clear the Rail Bridge.
- 12. The DEIS discounts the economic impact on marine industries, however if one assumes that customers of marinas and boatyards lying west of the St. Lucie Railroad Bridge follow the boating pattern documented in Martin County's boat survey, then it is reasonable to conclude these facilities west of the bridge will have a much reduced value to patrons, and experience a loss of revenue greater than calculated in the DEIS.
- 13. Table 5.1.3.12 shows an increased cost of \$491/day to recreational marine industries, based on 157 boats per day. The 235 boats per day actual average and 450 boats per day actual average on weekends will increase this daily cost substantially.
- 14. Section 5.1.3.3 states "Individual commercial vessels could potentially experience an increase in vessel queue times at the St. Lucie River Bridge. However, there are very few commercial destinations on the St. Lucie River". State marina registration data indicates there are approximately 2,200 slips available in private marinas, with up to 2,000 dry storage slips in Martin and St. Lucie counties (see Waterways Plan for Martin and St. Lucie Counties available on Treasure Coast Regional Planning Council website httm).
- 15. Proposed mitigation in Section 7.2.2 of the DEIS includes public access to set train schedules with notification signals and countdown clocks to allow boaters to plan trips to avoid wait times and frustration. The measured counts of 450 boats per day on weekends and 250 boats on Friday will create queues in the morning that might be sustained throughout the day, eliminating the value of the proposed mitigation. The set schedules will result in boaters lining up and jockeying for position during peak hours. This will create a hazardous condition for boaters.
- 16. Table 7.2-2 lists the following mitigation measure without further explanation, "Manage train schedules to minimize bridge closures." If freight trains are staged or slowed down to let passenger rail trains pass during one rail bridge closure, there would be impacts to traffic and emergency response times. More information is needed on mitigation measures in order to evaluate the impacts to navigation and the impacts to delays at grade crossings.
- 17. The narrow 40-foot horizontal clearance of the Rail Bridge restricts barge traffic across the state of Florida through Lake Okeechobee. The Okeechobee Waterway is part of the Emerging Strategic Intermodal System (SIS) and the narrow bridge opening limits the width of barges that can navigate through the opening.

- 18. McCulley Marine Services, Inc. (see Exhibit D Letter from McCulley Marine Services, Inc.) states, "The Florida East Coast Railroad Bridge and the Roosevelt Bridge both share mile marker 7.4. These bridges are only 200 feet apart and are offset by more than ten degrees. A tug and tow making the passage must wait for ideal tidal conditions, specifically slack tide, in order to pass safely. Slack tide conditions allow for only a twenty minute window, four times per day. The anticipated schedule for the rail service may make the bridge impassable to a tug and tow. This would be in violation of the bridge's permit and is a violation of 33 U.S. Code § 512, which reads "No bridge shall at any time unreasonably obstruct the free navigation of any navigable waters of the United States."
- 19. The Rail Bridge was constructed in 1926. It is approximately the same age as the railroad bridge in Jacksonville that has been experiencing extended periods of lockdown. Increased closures of the bridge will lead to more gear failures and increase the risk of lockdown.
- 20. Martin County has requested copies of inspection reports for the Rail Bridge over the St. Lucie River. The request has been rejected. Martin County requests that the FRA verify the safety of the Rail Bridge. The County also requests that the FRA verify that the bridge will be able to handle the increased traffic and increased number of openings without significant breakdowns and disruptions to navigation.



Condition of St. Lucie River Railroad Bridge Built in 1926

- 21. Section 4(f) Findings in Section 6.5 of the DEIS with regard to historic resources state,
 - "There is no feasible and prudent alternative to the demolition of the Eau Gallie River and St. Sebastian River bridges. New bridges are required at these locations to upgrade these crossings to double track crossings, and retaining the bridges presents an unacceptable safety risk to navigation of vessels on the waterways below."
 - This same argument should be applied to the St. Lucie River Railroad Bridge, which is currently an obstruction and hazard to navigation. The proposed passenger rail project will compound problems that already exist today at this bridge.
- 22. The Florida Department of Environmental Protection has confirmed the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida owns the submerged lands of the

- St. Lucie River at the location of the Rail Bridge. A Submerged Land Lease would have to be acquired prior to replacing the bridge.
- 23. The Realtor Association of Martin County estimates that there will be "anywhere from 13 to nearly 17 hours per day in delay time to boat traffic". (See Exhibit O Letter from Realtor Association of Martin County.)

Public Health & Safety

- 1. The increase in trains commuting through Martin County will impact Fire Rescue's response times. There are several large communities served by Fire Rescue Stations which must cross the track to provide essential services. These communities include Jupiter Island, Hobe Sound, Port Salerno, Jensen Beach and South County. In 2013, Fire Rescue crossed railroad tracks approximately 6,624 times while responding to incidents, approximately 4,112 times when transporting to area hospitals, for a total of 10,736 times. This data does not include units returning to quarters or responding to other incidents which required crossing a railroad track.
- 2. Fire Rescue experienced railroad crossing delays 140 times per year in 2013 and 2014. Based on the estimated increase in trains, those delays could reach 680 times per year. These delays occur during response to emergencies and while transporting sick or injured patients to hospitals. These delays could significantly impact service levels adopted by the County to respond to emergencies in the community.
- 3. Current service levels for Martin County are basic life support and fire suppression within 6 minutes, 90% of the time, and advanced life support services within 8 minutes, 90% of the time. Estimated railroad crossing closures of 100 minutes per day will impact services provided in the community. Survivability of patients decreases with each minute that services are delayed.
- 4. Martin Medical Center serves as the main hospital for Martin County. This facility provides cardiac intervention, primary stroke care, and treatment to trauma patients who cannot safely be transported to a trauma center. This facility is divided from the majority of the population by a railroad. Delays in transporting patients to this facility would significantly increase. In 2013, over 4,100 patients had to be transported over a railroad track to reach their hospital.
- 5. Martin County neighbors the St. Lucie Nuclear Power Plant and must have plans to rapidly evacuate residents, in the Emergency Planning zone, if a plant emergency occurs. Due to population density east of the current coastal railway, evacuation times for local emergencies would be greatly increased with railroad crossings being closed. All evacuation routes from the affected area are crossed by a railroad.
- 6. Estimated evacuation of the north Jensen Beach and Hutchinson Island Emergency Planning Zone shows an optimal time of 5.5 hrs. This evacuation would be impeded by the increased train operations, affecting evacuation times by as much as an additional 45 minutes.
- 7. Commuter trains historically have experienced accidents in the first year of operation. SunRail had 5 mishaps in the first 5 months of operation. SunRail operates at speeds between 30 and 79 mph, with an average speed of 33 mph.
- 8. A sealed corridor will direct pedestrians to cross at grade crossings. There are currently no pedestrian facilities at ten (10) of the 28 track crossings in Martin County. Pedestrians and bicyclists will be directed to cross the rail in the roadway increasing probability of pedestrian injuries and fatalities.
- 9. Pedestrians will have difficulty judging the time it will take for the train to reach their location when some trains are traveling at lower speeds and some are train traveling at 110miles/hour (1.8 miles/minute).
- 10. Properties east of the track will be difficult to evacuate if there is a hazardous material spill or leak in the rail corridor. Develop an emergency response and evacuation plan in coordination with Martin County Emergency Management.

11. Martin County removed contaminated soil from the Martin County Courthouse parking lot in downtown Stuart during the summer of 2013. The contaminated material that extended into the FEC right-of-way was beyond the scope of work and remains in place. Include removal of the contaminated material as part of the project.



Environmental

General

- 1. In many instances of analyses requiring calculations (e.g. waterborne navigation impacts and waterborne and roadway crossing wait times), the DEIS uses an arithmetic mean as a major key factor. This is in direct opposition to accepted statistical methodologies, in particular due to the project-specific factors. Existing single event conditions (freight trains) are statistically and characteristically significantly different and discrete from the proposed additional event conditions (passenger trains). The combination of these discrete events will not result in a hybrid event equivalent to the arithmetic mean under any circumstances, and should therefore not be combined for analysis. Due to the scope of the project and the potential severity of effects to such a large proportion of the public, appropriate transportation industry-accepted statistical methodologies, or actual raw data, must be used for accuracy.
- 2. The Draft Environmental Impact Statement (DEIS) is incomplete in consideration of environmental, wetland and wildlife impacts. All Aboard Florida (AAF) should include an evaluation of proposed impacts and compensatory mitigation actions for impacts that will occur to wetlands, conservation uplands including rare and unique scrub areas, and wildlife including all state-listed animal and plant species. Once the impacts are evaluated and quantified, AAF should consider, at a minimum, the following mitigation and monitoring elements to offset anticipated natural resource impacts: rail corridor fencing; strategically placed wildlife crossing culverts/tunnels; and specific monitoring studies.

Air Quality & Vehicle Emissions

- 1. Although the DEIS claims a net regional air quality benefit with all alternatives (and it should be noted, no hot-spot modeling evaluation was completed), in reality, the air quality impacts will be redistributed and concentrated in areas where increased number and duration of crossing closures will occur, including Martin County.
- 2. In the "Air Quality" section, there is an overall disregard for localized impacts through claiming more "regional" benefits. This claimed "benefit" regionally is at the expense of local community air quality.

Land Use, Noise & Vibration

- 1. The DEIS has not addressed the potential noise and vibration effects to the conservation areas and passive parks within or adjacent to the project. The High-Speed Ground Transportation Noise and Vibration Impact Assessment, by the USDOT Federal Railroad Administration states on Page 3-8, Section 3.2.1 that, "While parks are considered in general to be noise-sensitive sites, in some cases actual noise sensitivity depends on how the park is being used. Parks used for passive purposes such as reading, meditation, and conversation would be considered more noise-sensitive than ones used for sports or other active recreational pursuits." The DEIS has not included evaluation of potential impacts to the passive parks in proximity to the project, including Jonathan Dickenson State Park (JD Park). Furthermore, the DEIS has identified that available research and data regarding impacts to wildlife from high-speed rail noise and vibration effects is minimal and/or unavailable.
- 2. This project clearly provides an ideal opportunity for AAF to perform pre- and post-project monitoring in areas where there is currently no rail operation (E-W corridor) and in areas where there is currently conventional rail operation only (N-S corridor, JD Park) to study and quantify

potential effects that have so far not been studied. Provide such a monitoring study, especially since the DEIS clearly identifies this as an issue in need of additional information.

Water Resources and Coastal Zone

The Attachments includes the following Exhibits that provide information on resources in the Coastal Zone.

- Exhibit E Conservation Lands Map
- Exhibit F East Coast Greenway Corridor Alignment
- Exhibit G Jonathan Dickinson State Park Land Use Plan
- Exhibit H Martin County Banded Scrub Jays Map
- Exhibit I Scrub Habitat and Scrub Jay Points Map
- Exhibit J East Coast Greenway Seabranch State Park, Gopher Tortoise Burrow Locations
- Exhibit K1 Florida Scrub Jay Survey, CR-A1A / SE Dixie Highway Bike Lanes
- Exhibit K2 Florida Scrub Jay Survey, Jonathan Dickinson State Park
- Exhibit Q Endangered Florida Perforate Cladonia (Reindeer Lichen)
- Exhibit R Endangered Mycteria Americana (Wood Stork)
- Exhibit S Imperiled Species in Jonathan Dickenson State Park

Wild and Scenic River

- 1. Potential impacts to the Northwest Fork of Loxahatchee Wild and Scenic River have been notably disregarded based on proximity alone. It is widely known that the entire Loxahatchee River watershed ecological complex, including the Wild and Scenic River, provides outstanding habitat for numerous avian species, including endangered, threatened, and migratory bird species. Birds do not contain themselves within the boundaries of the Wild and Scenic corridor. They travel throughout the area, including within the FEC corridor.
- 2. It is unknown what impact additional trains traveling at a high speed through the area could have on avian species as they traverse for feeding, breeding, and nesting activities, or the potential for trains to physically come into contact with them. In the "Air Quality" section, the DEIS claims benefits at a regional scale, however, in this section, there is no consideration given to regional impacts to wildlife species, particularly avian species, from this project. To assume there is no impact does not fulfill the purposes of the DEIS.

Floodplain & Wetlands

- 1. Overall impacts to wetlands and other biological / natural resources are significant under all alternatives. Although some of the impacts may be permitted and allowed to be mitigated for, the DEIS does not adequately compile the impacts into a sufficient regional assessment to consider the additive and cumulative effects of the project.
- 2. There is insufficient data for evaluation of wetland impacts and/or mitigation. No actual quantification of wetland impacts, direct or secondary is provided. Appendix 4.3.3-A Location of Impacted Wetlands is only for E-W segment. No maps are provided for N-S corridor and Martin County. Wetlands are located within the proposed area of impact. The DEIS indicated that wetlands have been identified and characterized utilizing "readily available data" including Florida Land Use and Cover Classification System (FLUCCS), which is a broad high-level general

- land use survey map for initial informational/planning uses. All federal and state wetland delineations require field verification. It appears that AAF is relying upon inaccurate FLUCCS maps (see Exhibit L Florida Land Use and Cover Classification System (FLUCCS) Map).
- 3. DEIS states in Methodology section 4.3.3.1, page 4-65 that, "In addition, field delineations were conducted..." and "These delineation provided field confirmation for the occurrence of wetland and surface waters...", but no field dates, notes, reports or maps are provided for the N-S corridor of the project including Martin County. Additionally, DIES states in section 4.3.3, "AAF has not yet submitted its application for Section 404 authorization to USACE." Wetland impacts are to be evaluated and authorized by both the US Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) for Federal and State authorization, respectively. No information on these evaluations provided beyond those encompassing the surface water creeks/waterways as noted in Appendix 5.3.6-B1. Appropriate mitigation to offset wetland impacts cannot be determined until actual impacts are quantified and mitigation proposals are demonstrated to offset the proposed impacts.

Threatened & Endangered Species

- 1. The DIES fails to identify preserved rare and unique upland areas (scrub) in many places. Misidentification of areas as developed/urban when many of these areas, due to Martin County's Comprehensive Growth Management Plan development requirements, have native upland and wetland habitat preservation areas, often including rare and unique upland (scrub) as identified in recorded documents Preserve Area Management Plans (PAMPs). The DEIS also does not address all listed species known to occur in Martin County. The US Fish and Wildlife Service (USFWS) and USACE reviews of federally listed animal species only have been provided. Multiple state listed animal and plant species, in addition to the federally listed animal species, occur throughout the project area. Information regarding these protected species is readily available through the FDEP, the Florida Department of Agriculture and Consumer Services (FDACS), and the Florida Fish and Wildlife Conservation Commission (FWC) and has not been addressed in the DEIS to any degree, although the project summary briefly identifies that some of the species of state concern are recorded within the project area.
- 2. Appendix 4.3.6-A Rare Species Survey indicates that in Martin County, Scrub-Jays were only observed within the railroad right-of-way within JD Park and other sensitive conservation areas containing suitable habitat. The survey points were performed only immediately along the tracks and did not consist of statistically sufficient data points to determine the absence of the species in the areas where no presence was recorded during the survey. The areas surveyed were not consistent with the areas noted within the North/South Florida Scrub-Jay Consultation Area Map located on Page 6 of Appendix 4.3.6-B. The surveys should be expanded in order to provide statistically sound data for impact evaluations. Even with the very limited sampling of the habitat area, the survey noted that at least one individual did cross the tracks and that multiple individuals were sighted from the project area and did flee upon the approach of a freight train. However, the surveyors also noted that the train horn was sounded due to the presence of the surveyors and a horn sounding would not occur if persons were not present.
- 3. The Federal finding noted in Appendix 5.3.6-B2 by USACE was that the proposed rail addition "may affect, not likely to adversely affect" Florida scrub-jay. The same findings applied to the Blue-tailed mole skink and Florida sand skink are similarly based upon information currently available which appears to be based upon the presence of suitable habitat as noted on the FLUCCS maps only and is conditioned by the statement "Additional surveys are being

completed by the applicant..." in Appendices 5.3.6-B3 through 5.3.6-B5. No discrete or site-specific information, surveys, evaluations or proposals are provided for the state listed species. No finding by any relevant state agencies regarding potential impacts to state listed species, not addressed at the federal level but mentioned in page S-15 of the DEIS, have been provided. No impacts or mitigation measures have been evaluated by AAF for the state listed (non-federal) animals and plants which have been officially recorded in the project area that may be affected by the project. Particular listed species of concern have been omitted from the plant species appendices (4.3.3-A1 and 4.3.3-A2), such as the four-petal paw paw. Additionally, the state and federally listed American alligator is similarly omitted from any evaluation or discussion. Not enough information has been provided to fully evaluate the exclusion of key species or habitats, so the examples are singly noticed and not meant to be exclusive. The DEIS should provide full background information including readily available state species lists and preferred habitat maps.

- 4. The DEIS states that "The USACE, the lead federal agency for Endangered Species Act (ESA) compliance, assessed the effects of the Project on federally listed species. The USACE found that the Project is 'not likely to adversely affect' the wood stork, the eastern indigo snake, the West Indian manatee, and the Florida scrub jay; and may affect, but is not likely to adversely affect, the blue-tailed mole skink or the Florida sand skink. United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) have concurred with this finding." The USFWS and NOAA / NMFS are the federal agencies designated for administering the ESA, not the USACE. For any agency other than the USFWS and NOAA/NMFS to take the lead on threatened and endangered species issues related to a project of this size and scope is inappropriate, irresponsible, and very likely an inaccurate assessment of the true wildlife impacts.
- 5. Page 5-121 of the DEIS states that the project "May effect [sic], but is not likely to adversely impact the Florida scrub-jay. Habitat documented to be used by this species is outside of the proposed work area." This statement is an example of USACE's inability to fairly and accurately assess impacts to threatened and endangered species. This proposed project traverses directly through Florida scrub-jay critical habitat, through Jonathan Dickinson State Park, Hobe Sound National Wildlife Refuge, and Savannas State Preserve just to name a few. Impacts to Florida scrub-jays are certain. Many other species threatened, endangered and otherwise, will also most certainly be impacted by this project through crossing impacts alone.
- 6. Impact avoidance/mitigation measures are not provided for any listed plant species known to occur in the project area. Mitigation is not proposed for any potentially affected state-listed upland animal species. Although a wildlife crossing is proposed for the E-W project corridor, no wildlife crossings are proposed for the N-S corridor, which, by design, will be experiencing the same cumulative increase in impacts as the E-W corridor during the operational phase. The existence of current event generated impacts does not inherently invalidate any and all future impacts, which must be scientifically quantified before determining significance. Appendix 5.3.6-A1 acknowledges that potential actions are to consider installing fencing along the corridor to prevent scrub-jay collisions but that fencing may impede other species. However, this impediment could be mitigated by the provision of wildlife crossing structures. Based upon the significant increase in number of train passages/events and the significantly increased speeds of those events, the project is likely to result in impacts to wildlife above and beyond the existing rail operations. The DEIS has not provided any information to demonstrate no increase in impacts or to quantify potential impacts.

7. Additional information is needed on impact where curvature of rail will be needed, specifically impact to scrub jay and gopher tortoises (see Exhibit J - Gopher Tortoise Burrow Locations and Exhibit K - Scrub Jay Survey).





- 8. The meeting minutes referenced in Appendix 5.3.6-A indicate that one of the "solutions" for Florida scrub-jay impacts is fencing. Fencing would only exacerbate other wildlife impacts, especially in areas where prescribed fire is frequently used as a habitat management tool. Animals would be trapped from crossing where they need to for numerous purposes with fencing in place. Additional trains will increase the risk for all wildlife.
- 9. This entire DEIS process is based on an incomplete wildlife assessment by an agency (USACE) whose mission does not include ESA administration. The entire portion of the DEIS that assessed potential impacts to wildlife should be re-done, by the correct lead agency (USFWS), taking into account the entire regional impacts to wildlife species, including but not limited to crossing impacts, regional and sub-regional migration, habitat fragmentation, loss of habitat, etc. The wildlife impact assessment of the DEIS is woefully inadequate, and to come to the conclusion that in almost all cases there would be "no adverse impact" with any of the alternatives is an example of either the consulting agency's inexperience / inability to consult on wildlife impacts, or a conscious disregard for existing law and the resources protected under the ESA. From the meeting minutes referenced in Appendix 5.3.6-A, it seems that all federal agency personnel who discussed wildlife impacts did so without regard to cumulative and regional impacts.
- 10. The "Imperiled Species" section (pp 46- 55) of the Jonathan Dickenson State Park Management Plan (See Exhibit S) identifies flora species that that are designated as "Endangered" by the federal government (i.e., four-petal paw-paw, perforated reindeer lichen and Small's milkwort) and which therefore should have been analyzed in the DEIS). The plan was updated during 2011-2012, and approved on June 15, 2012.
- 11. Many of the other imperiled species that are identified in Table 2 (See Exhibit S) and described in pp 47 53 are wetland dependent. Because the existing FEC tracks, which are to be widened to double or triple-tracks in JDSP also traverse wetlands, and because no information is provided on the potential impacts on wetlands within the North-South stretch of the AAF project, potential adverse impacts on wetland-dependent threatened and endangered species should be addressed in the EIS.

- 12. Page 3-6 of the DEIS identifies that the listed species assessment did not include an evaluation of plants. It certainly should have, as the proposed changes to the existing rail line could have an adverse effect on any of these species particularly if the widened tracks and frequency of their use negatively affect Jonathan Dickenson State Park's ability to implement their fire management protocols.
 - 13. The Institute of Systematic Botany has a searchable website called the Atlas of Florida Vascular Plants http://florida.plantatlas.usf.edu/Default.aspx. All plant species that are designated by the state as threatened or endangered which are known to occur in Martin County, can be found on the website Tillandsia balbisiana (FL-Threatened), Tillandsia fasciculata (FL-Endangered), Tillandsia flexuosa (FL-Endangered) and Tillandsia utriculata (FL-Endangered) and several others, all of which occur in Martin Co were not included in Table 4.3.6-5 of the DEIS. If these listed plants that occur in Martin Co were omitted, I'm sure that the list for all the counties included in the limits of the project will be considerably longer.

Social, Economic & Community Impacts

Environmental Justice

- 1. Environmental Justice Populations in Martin County were not identified.
 - a. Martin County and Stuart are excluded from Section 4.4.1 Communities and Demographics and 4.4.1.2 Affected Environment (Table 4.4.1-1).
 - b. Martin County was not consulted and County historic resources were not included in Section 4.4.5-2 Designated Cultural Resources.
- 2. There are 4 (four) Title I Schools located within the vicinity of the All Aboard Florida (AAF) project (see Exhibit M Environmental Justice and Title 1 Schools Map). Title I was established by the federal government to provide funding to local school districts to improve the academic achievement of disadvantaged students. "Disadvantaged" students are defined by the legislation as students who come from low-income families. The two largest percentages of free and reduced lunch recipients are from J.D. Parker (75.56%) and Port Salerno Elementary (62.27%).
- 3. The athletic fields used by Port Salerno Elementary and Port Salerno Boys and Girls Club are adjacent to the rail corridor. Analysis of the noise and vibration impacts are missing from the Draft Environmental Impact Statement (DEIS).



Port Salerno Elementary and Boys & Girls Club

4. The playground for the Hobe Sound Early Learning Center is adjacent to the rail corridor. The majority of the students at the school receive free or reduced tuition. Analysis of the noise and vibration impacts are missing from the DEIS.



Hobe Sound Early Learning Center

- 5. Analysis of Impacts to Small Business Owners is missing from DEIS. There are many small businesses, located within Community Redevelopment Areas (CRAs), which will be significantly impacted including the historic Pettway Market that is owned and operated by the Pettway family in Hobe Sound.
- 6. Labor Force Mobility within the CRAs, where residents walk or bike to work, was not considered
- 7. Impacts to the limited English speaking population in the Golden Gate CRA are not addressed.
- 8. The impact of increased noise and vibration on elderly residents was not addressed.
- 9. Martin County minority populations are not addressed in DEIS. East Stuart is the only minority area identified in Figure 5-1f in Appendix 4.4.2-A_Minority-Populations.
- 10. Martin County poverty populations are not addressed. East Stuart is the only poverty population identified in Figure 5-2f in Appendix 4.4.2-B Poverty Populations.
- 11. A sealed corridor will direct pedestrians to cross the tracks at grade crossings. At the 10 crossings where there are no pedestrian facilities (see Exhibit A), people will be forced to walk across the rail in the roadway with vehicle traffic if not provided.



Family Crossing Tracks in Roadway after Trip to Pettway Market (No Pedestrian Facilities)



Skateboarder Crossing Tracks in Roadway (No Pedestrian Facilities)



Bicyclists in Jonathan Dickenson State Park (No Pedestrian Facilities)

12. Additional information is needed on the seven locations, listed on page 3-36 of the DEIS, where the curvature of the rail will be reduced to allow higher operating speeds. Reducing the curvature may reduce the vegetative buffer. The buffer in the vicinity of Cove Road separates the rail from the Manatee Creek Neighborhood Park.



Manatee Creek Neighborhood Park adjacent to FEC Corridor

Community Redevelopment Areas

- 1. The FEC corridor bisects 5 (five) Community Redevelopment Areas (CRAs) that are not identified in the DEIS (see Exhibit M Environmental Justice and Title 1 Schools Map).
- 2. The effect of railroad traffic, noise, and vibration in the County's five affected CRAs revealed distinct characteristics that show a negative deviation and disproportionate representation when compared to a County wide datum (see Exhibit N Martin County Community Redevelopment Area Report).
- 3. The Old Palm City CRA is not located near the FEC corridor, but waterfront property owners and residents using the Leighton Park boat ramp must pass through the St. Lucie River Railroad Bridge to access the Intracoastal Waterway and the St. Lucie Inlet. The Martin County Property Appraiser is still evaluating the impact the increased rail bridge closures will have on Palm City property values.



4. Under Florida law (Chapter 163, Part III), local governments are able to designate areas as Community Redevelopment Areas when certain conditions exist. Examples of conditions that can support the creation of a CRA include, but are not limited to: the presence of substandard or inadequate structures, a shortage of affordable housing, inadequate infrastructure, insufficient roadways, and inadequate parking. To document that the required conditions exist, the local government must survey the proposed redevelopment area and prepare a Finding of Necessity. If the Finding of Necessity determines that the required conditions exist, the local government may create a Community Redevelopment Area to provide the tools needed to foster and support redevelopment of the targeted area.

- 5. CRAs utilize tax increment financing (TIF) to fund capital improvements and redevelopment activities. The dollar value of all real property in the CRA is determined as of a fixed date, also known as the "frozen value." Taxing authorities, who contribute to the tax increment, continue to receive property tax revenues based on the frozen value. These frozen value revenues are available for general government purposes. However, any tax revenues from increases in real property value, referred to as "increment," are deposited into the CRA Trust Fund and dedicated to the redevelopment area. If property values adjacent to the rail corridor decline, the funding available for redevelopment will be reduced or eliminated.
- 6. The potential impacts on property values within the CRA's are analyzed in Exhibit N Martin County Community Redevelopment Area Report. The analysis reveals that the passenger rail project may reduce property values within the buffer areas.





Salerno CRA Residence

Salerno CRA Small Business

7. Primary modes of transportation in the CRAs are walking and bicycles.



Landscape Business Adjacent to FEC Corridor in Golden Gate

There are several well-worn pedestrian paths across the rail corridor between destinations.



Path between Golden Gate Neighborhood and Walmart



Path between Hobe Sound Boys and Girl Club and Bible College

8. The DEIS did not consider negative impacts to small businesses along the rail corridor in the CRAs.

Fiscal and Economic Impact

- 1. Frequency of maintenance on Class VI grade crossings was not addressed in the Draft Environmental Impact Statement (DEIS).
- 2. Crossing rehabilitation costs have been escalating and are not competitively bid. The DEIS does not address the additional cost to maintain the new facilities and 90% plans have not been provided in order for Martin County to evaluate impacts.
- 3. Crossing agreements are outdated and overburden the tax payer. Martin County requests that FEC renegotiate all grade crossing agreements.
- 4. If AAF defaults on loan, FEC gets windfall of double track without the risk.
- 5. Negative impacts to Marine Industries and Tourism were not adequately addressed.
- 6. The DEIS (Page 4-113) uses a study conducted in 1995 in Martin and St. Lucie Counties to demonstrate that between the two counties, fishing in the Indian River Lagoon contributes \$82.1 million dollars, with boating adding an additional \$12.4 million. There is no mention that, in Martin County alone, it is estimated the marine industry alone has a yearly impact of over \$500 million dollars and supports more than five thousand jobs according to data provided by the Martin Business Development Board, which is readily available.
- 7. Reduced property values were not addressed. The Martin County Property Appraiser provided the following data to the Realtor Association of Martin County to help them determine the impact of the project on property values (See Exhibit O Letter from Realtor Association of Martin County). There are 2,826 properties within the 400 foot buffer; 7,337 properties within the 1,000 foot buffer and 3,566 waterfront properties west of the St. Lucie River Rail Bridge.
- 8. Reduced home sales along corridor were not addressed.
- 9. Financial impact to Community Redevelopment Area Taxed Increment Financing (CRA TIF) and small businesses was not addressed.
- 10. If County and/or cities request Quiet Zones, liability would transfer to tax payers through revised Agreements.

Demographics

Population

Table 4.4.1-1 on Page 4-104 does not list the City of Stuart as being crossed by the project.

Minority Population (Page 4-108)

The Draft Environmental Impact Statement (DEIS) report uses data from the American Community Survey (ACS), 2007-2011, 5-year estimates. The ACS is a survey of a small percentage of the population each year. The ACS is a 5 year estimate. The 2010 Census data were available at the time data was collected (accessed August 13, 2013), which would have provided better detail than the ACS. Given that AAF will run through five Community Redevelopment Areas (CRAs) with higher concentrations of minority, the 2010 Census data should be used for accuracy.

Low income population (Page 4-109)

The DEIS uses data from the ACS, 2006-2010 5-year estimates. The 2010 Census would have provided a much clearer picture of poverty. Given that AAF will run through five CRAs with higher concentrations of minority and low-income, the 2010 Census data should be used for accuracy. As well, using this specific five year average (2006-2010) would skew the numbers further, as the economy took a tremendous turn in that five year period.

Labor force (Page 4-112)

See comments above. Data was taken from the 2007-2011 5-year ACS, accessed August 13, 2013. This is not the best available data and not professionally acceptable. Also, the time period that is average is during the economic downtown.

Marine Industry (Page 4-113)

The DEIS uses a study conducted in 1995 in Martin and St. Lucie Counties to demonstrate that between the two counties, fishing in the Indian River Lagoon contributes \$82.1 million dollars, with boating adding an additional \$12.4 million. There is no mention that, in Martin County alone, it is estimated the marine industry alone has a yearly impact of over \$500 million dollars and supports more than five thousand jobs according to data provided by the Martin Business Development Board readily available.

Consistency with Comprehensive Growth Management Plan (CGMP)

On Page 5-3 the DEIS states:

"Martin County discusses the many positive effects of higher speed rail on transportation systems in its Comprehensive Growth Management Plan (Martin County, Division of Community Planning 2013). One of the goals of the County is to develop and implement a transportation network that is coordinated and consistent with municipal, county, regional, state, and federal planning programs. Martin County desires to plan for comprehensive long-range transportation needs, including a Florida higher speed railway. The County further desires to collaborate with the Florida High Speed Rail Authority (FHSRA) and a rail service provider to establish service between Martin County and nearby major regional hubs such as Port St. Lucie, Palm Beach County, and points beyond. The N-S Corridor would be consistent with Martin County planning goals and objectives."

In Section 5.3.D.1, the Martin CGMP states:

The frequency and length of freight trains on the main Florida East Coast Railway corridor are significant physical barriers that impede the level of service on most major roadways. Delays are usually due to long trains and track repairs.

In the Goals, Objectives and Policies of the Martin CGMP, the following two policies address passenger rail.

Policy 5.5E.2. Encourage passenger rail service. The County should encourage passenger rail service to Indiantown and Stuart, including Amtrak and Tri-rail, and shall explore all possible financial and political means to implement this policy.

Policy 5.5E.3. Encourage commuter and intercity rail. The County shall continue to participate with state, regional and local agencies to encourage the establishment of commuter rail and intercity travel in Martin County.

All Aboard Florida does nothing to implement these policies since there are no stops in Martin County to establish commuter and intercity travel.

Attachments

Exhibit Description

- A. Martin County Pedestrian Crossings
- B. Annual Average Daily Traffic (AADT) at FEC Crossings
- C. Vessel Traffic Data, Taylor Engineering, Inc.
- D. Letter from McCulley Marine Services, Inc. dated March 12, 2014
- E. Martin County Conservation Lands Map
- F. East Coast Greenway Corridor Alignment
- G. Johnathan Dickenson State Park Land Use Plan
- H. Martin County Barded Scrub Jays Map
- I. Scrub Habitat and Scrub Jay Points Map
- J. East Coast Greenway Seabranch State Park Gopher Tortoise Burrow Locations
- K1. Florida Scrub Jay Survey, CR-A1A / Dixie Highway Bike Lanes
- K2. Florida Scrub Jay Survey, Jonathan Dickenson State Park
- L. Florida Land Use and Cover Classification System (FLUCCS) Map
- M. Environmental Justice and Title I Schools Map
- N. Martin County Community Redevelopment Area Report
- O. Letter from Realtor Association of Martin County dated November 13, 2014
- P Letter from Florida Department of Environmental Protection dated Nov. 24, 2014
- Q Endangered Florida Perforate Cladonia (Reindeer Lichen)
- R Endangered Mycteria Americana (Wood Stork)
- S Jonathan Dickenson State Park Management Plan, Pages 46 55

Exhibit A

FEC CROSSINGS

		3 State 5 City
TOTAL 28 Crossings in County		19 County (2 shared cost w/ adjacent county)
28.	SE COUNTY LINE ROAD	Martin/Palm Beach (50/50 cost share)
27.	SE JONATHAN DICKENSON WAY (STATE)	As at the base of the teachers
26.	*SE GLEASON STREET	Martin
25.	SE BRIDGE ROAD	Martin
24.	*SE PETTWAY STREET	Martin
23.	*SE CROSSRIP STREET	Martin
22.	*SE OSPREY STREET	Martin
21.	**SE DIXIE HIGHWAY	Martin
20.	SE COVE ROAD	Martin
19.	*SE BROWARD STREET	Martin
18.	SE SALERNO ROAD	Martin
17.	*SE SEAWARD STREET	Martin
16.	SE INDIAN STREET	Martin
15.	SE DIXIE HIGHWAY	Martin
14.	SE MONTEREY ROAD – (STATE)	
13.	SE DIXIE HIGHWAY (STATE)	
12.	SE FLORIDA STREET – (CITY)	
11.	SE MARTIN LUTHER KING BOULEVARD - (CITY)	
10.	SE COLORADO – (CITY)	
9.	SW JOAN JEFFERSON WAY - (CITY)	
8.	NW FERN STREET – (CITY)	A STATUTE OF
7.	*NE ALICE STREET	Martin
6.	**NE DIXIE HIGHWAY	Martin
5.	NE PALMETTO DRIVE S	Martin
4.	NE JENSEN BEACH BOULEVARD	Martin
3.	NE 1 ST STREET/Pitchford – (PRIVATE)	war til
1. 2.	NE COUNTY LINE ROAD NE SKYLINE DRIVE	Martin/St. Lucie County (50/50 cost share) Martin

10 - FEC PEDESTRIAN CROSSINGS IN PLACE

^{*7} PEDESTRIAN/SIDEWALK CROSSINGS NEEDED

^{**}BIKELANES NEEDED

Exhibit B

MILE POST	FEET	LOCATION	AADT
280	4653	SE COUNTY LINE ROAD	2,580
		J DICKENSON PARK	
274	3014	SE GLEASON STREET	n/a
274	343	SE BRIDGE ROAD	8,072
272	3434	SE PETTWAY STREET	n/a
271	2106	SE CROSS RIP STREET	2,455
270	4697	SE OSPREY STREET	1,882
268	3364	SE DIXIE HIGHWAY	5,692
267	747	SE COVE RD	12,095
266	4043	SE BROWARD STREET	n/a
266	2943	SE SALERNO RD	7,365
266	2427	SE SEAWARD STREET	n/a
264	2081	SE INDIAN STREET	21,523
		SE MONTEREY ROAD	23,391
		SE DIXIE HIGHWAY	5,796
		SE FLORIDA STREET	n/a
		SE DR. MARTIN LUTHER KING, JR. BOULEVARD	n/a
261	3322	S COLORARO AVE	11,918
		SW ST. LUCIE AVENUE	n/a
		NW FERN STREET	n/a
260	145	NE ALICE STREET	n/a
256	4094	NE DIXIE HIGHWAY	5,330
257	1804	NE PALMETTO AVENUE	n/a
		OCEAN BREEZE	
		NE JENSEN BEACH BOULEVARD	20,384
		NE 1 ST STREET	n/a
255	2680	NE SKYLINE DRIVE	1,952
255	1593	NE COUNTY LINE ROAD	n/a



Exhibit C

Delivering Leading-Edge Solutions

St. Lucie River Railroad Bridge Boat Count Project

Project Summary

Introduction

The Martin County Board of County Commissioners seeks to better understand the level of boating traffic at and around the St. Lucie River Railroad Bridge. The impetus for this derives from a plan by All Aboard Florida – Operations LLC (AAF) to develop passenger rail traffic between south Florida and Orlando. Impacts from this project include a projected additional 32 trains (made up of both northbound and southbound trains) crossing the St. Lucie River daily. These trips will result in additional bridge closings and subsequent impacts to navigation. The St. Lucie River Railroad Bridge Boat Count Project (Project) seeks to accurately count the number of boats passing through the bridge during daylight hours. The project is also collecting ancillary data associated with bridge operations.

Equipment

The Project involves collecting and analyzing time lapse video of the St. Lucie River Railroad Bridge opening during daylight hours over a one year period. The centerpiece of the video system is a *Brinno TLC 200 TimeLapse HD Video Camera* (Figure 1). The relatively inexpensive camera is powered by 4 standard AA batteries and records data directly to removable SD format memory cards (32 GB max). Table 1 displays customized settings applied

Table 1. Standard Camera Settings

Parameter	Setting	
Capture Rate	20 seconds	
AVI Frame Rate	5 fps	
Band Filter	None	
LED Display	On	
Output Resolution	1280x720 pixels	
Time & Date Set	On	
Low Light	Off	
Time Stamp	On	
Image Quality	Best	
Firmware	V 1.00.0 and V 1.02.3	



Figure 1. Brinno TLC 200 TimeLapse HD Video Camera inside ATH110 Weather Resistant Housing

throughout the Project after some minor experimentation early in the process. The capture rate defines how frequently the camera records a frame of video – in this case every 20 seconds. The capture rate was first

estimated based on the camera positions and expected vessel speed through the field of view. Trial and error during the initial deployment confirmed that 20 seconds is the appropriate value. The camera automatically stitches sequential images together to produce an AVI format video file. All data are

stored on the 32 GB SD card. The combination of capture rate, 4 AA batteries, and 32 GB of storage yield an average deployment of approximately 32 days.

Each camera was protected by a double layer of weather resistant housing. The first layer involved placing the camera inside an *ATH110 Weather Resistant Housing* (Figure 1). Next, the Project team developed a custom housing made from standard 4" PVC fittings to provide additional protection from the elements and to facilitate mounting (Figure 2). The combined weather protection has provided excellent results to date.



Figure 2. Custom 4" PVC housing

The Project deploys 2 cameras with slightly different orientations to capture boat traffic. The cameras are installed

on the former Dixie Highway Bridge immediately west of the railroad bridge location (Figure 3). Each PVC housing is secured to a bridge pile via two hose camps (Figure 4). The external housings have been painted to blend with the piles in an effort to deter vandalism.

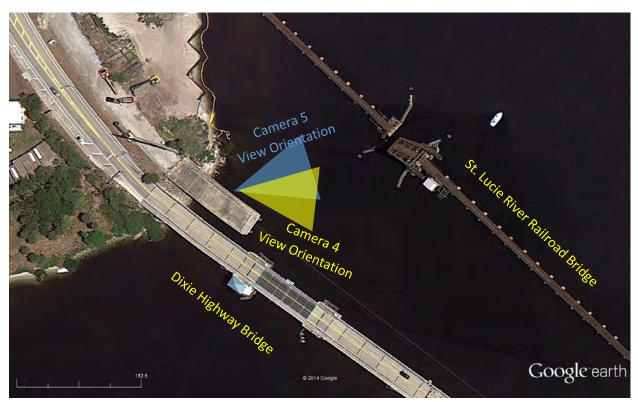
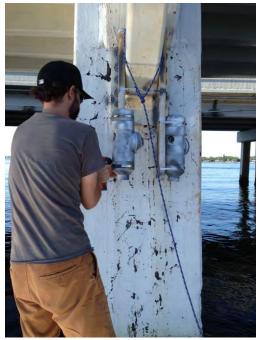


Figure 3. Camera positions relative to bridge

Maintenance

On average every 28 to 32 days, a Project field team services the cameras. Arriving by boat, the field team first secures the boat to the pile, loosens the top hose camp, and moves the PVC housing to the boat. There they remove the camera from the two housings, install 4 fresh AA batteries, and swap

out the SD memory card with a newly formatted blank card. They confirm that the camera operated correctly by checking that the SD card contains recorded data. The field team recalibrates the camera's internal date and time, examines the camera's lens and internal housing for any signs of clouding (treating with Rain-X when warranted), and begins recording video. They replace the camera in the housings and return the housing to the channel marker pile ensuring the correct field of view is maintained. The same procedure then occurs at the second camera. Finally, before leaving the scene, the field crew runs the boat through a slow back and forth pattern within the cameras' field of view. This portion of the video provides a reference for video processors since the dimensions of the field crew's boat are known.



Video Processing

Figure 4. Installed camera housing With the SD memory cards in hand, a quick quality control procedure occurs. The check involves opening each file to identify the timestamp associated with the first frame of the video. The file is subsequently renamed to help identify the location and time period associated with the data. An example of the filename convention is:

"CC_YYYY-MM-DD_HHMMSS.AVI"

where CC differentiates the two cameras (C4 or C5), YYYY-MM-DD is the year, month, and day associated with the first frame of the video (e.g., 2014-06-08), and HHMMSS is the time stamp of the first frame (e.g., $062152 \rightarrow 06 = \text{hour}$ (24 hr clock), 21 = minutes, and 52 = seconds).

Video processing results in vessel data entry into a spreadsheet. Reviewers proceed frame-byframe through the videos and record an entry for each boat observed. Jet skis, kayaks, and paddleboards, as well as boats not passing through the draw span of the bridge are ignored. Entries include the date/time, direction of travel, and a visual assessment of whether the boat could pass under the bridge when closed. On heavy traffic days, determining the sequence of boats passing through the bridge requires careful processing as multiple vessels can appear in a single frame.

In addition to the boat data, the cameras also record bridge operations. At each bridge closure, reviewers record the date/time stamps of a) the first movement of bridge closure, b) the first frame showing the passing train (if any), c) the last frame of the passing train (if any), and d) the first frame of the bridge opening. Both the opening and closing operations consistently run between 80 and 100 seconds (assumed average of 90 seconds). In some instances, the bridge will close without a train crossing. These closures appear to facilitate maintenance operations on the bridge.

Finally, the cameras are set to operate during daylight hours. Each day as the sun sets, the cameras enter sleep mode to conserve both battery power and memory space. Tests activating the low light function of the camera during evening hours proved ineffective. Often when the camera either

enters or comes out of sleep mode the bridge is in the down position. Reviewers record only observed data, so the beginning bridge motion (at dawn) or ending bridge motion (at dusk) may not be visible on the video and are therefore omitted from the spreadsheet. Such entries include a note describing the scene.

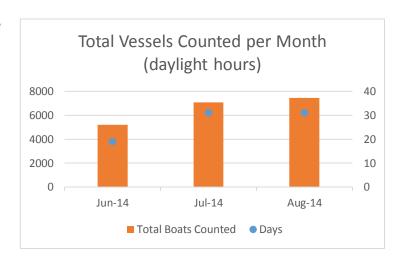
Data Processing

Periodically, the raw data are transferred to a master spreadsheet for further processing and statistical analysis. The master spreadsheet contains the entire vessel and bridge operation record. The spreadsheet calculates a variety of summary statistics for the period of record including the number of boats for each hour of the day for all days in the record. Several histograms present data on the distribution of boats by hour, by direction, and by ability to pass the bridge when closed. Taylor Engineering provides a summary report to Martin County monthly.

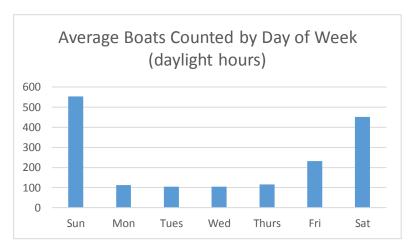
Summary Statistics

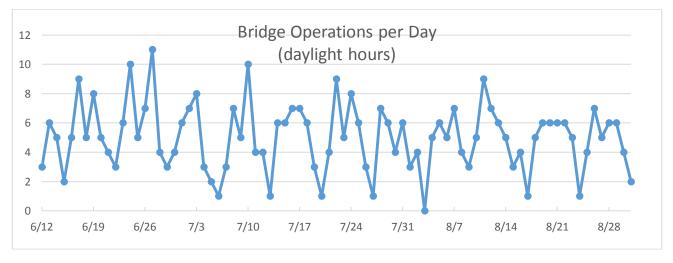
The summary statistics presented below cover the period from June 12, 2014 to August 31, 2014. All data represent daylight hours only. During this period reviewers have counted 19,756 boats.

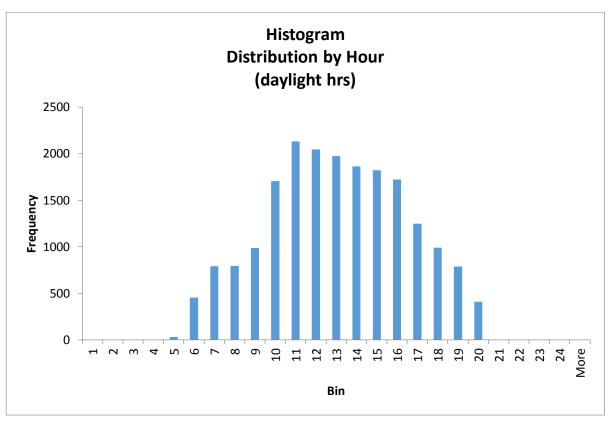
		Total	Average
		Boats	Boats
Month	Days	Counted	per Day
Jun-14	19	5204	273.9
Jul-14	31	7091	228.7
Aug-14	31	7461	240.7



	Total		Average
Day of	Boats		Boats
Week	Counted	Count	Counted
Sun	6638	12	553.2
Mon	1232	11	112.0
Tues	1156	11	105.1
Wed	1148	11	104.4
Thurs	1381	12	115.1
Fri	2780	12	231.7
Sat	<u>5421</u>	12	451.8
	19756		







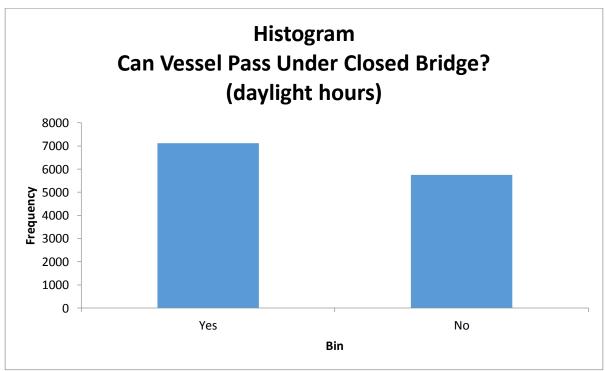


Exhibit D



McCulley Marine Services, Inc.

2309 N. OLD DIXIE HWY. FORT PIERCE, FL 34946

The Artificial Reef Builders

PHONE 772.489.6069 FAX 772.460.9701

March 12, 2014

Rear Admiral John H. Korn Commander Seventh Coast Guard District

RE: Complaint - Florida East Coast Railroad Bridge, mile 7.4 at Stuart, FL

Dear Sir,

McCulley Marine Services, Inc. believes that the intended schedule of the All Aboard Florida rail service over the Florida East Coast Railroad Bridge, mile 7.4 at Stuart, FL will unreasonably obstruct the free navigation of the Okeechobee Waterway. Therefore this is a formal complaint according to 33 CFR 116.05.

At a rate of two trains per hour and at least 16 minutes of closure per train (per 33 CFR 117.317), the bridge will remain closed for a minimum of 32 minutes per hour. This is only inclusive of the All Aboard Florida rail service. The bridge will also continue to serve freight service as well, perhaps one to two additional trains in a given hour. Current estimates indicate the bridge will be open less than 20 minutes per hour. This presents a number of problems.

For one, the time the bridge is open may not be sufficient to allow accumulated traffic to clear before the next closure. Two-way traffic through the bridge during the short periods of navigability will present a hazard to navigation. Vessel operators will use excessive speeds, and will ignore rules of the road in order to get through. Accidents will occur.

Secondly, the geography of the location presents additional hazards. The Florida East Coast Railroad Bridge and the Roosevelt Bridge both share mile marker 7.4. These bridges are only 200 feet apart and are offset by more than ten degrees. A tug and tow making the passage must wait for ideal tidal conditions, specifically slack tide, in order to pass safely. Slack tide conditions allow for only a twenty minute window, four times per day. The anticipated schedule for the rail service may make the bridge impassable to a tug and tow. This would be in violation of the bridge's permit and is a violation of 33 U.S. Code

§ 512, which reads "No bridge shall at any time unreasonably obstruct the free navigation of any navigable waters of the United States."

An obstruction of the Okeechobee waterway has far reaching consequences. The OWW is a vital link between the Atlantic and Gulf Coasts. This artery connects the M-95 and M-10 Marine Highway Corridors and the Atlantic Intracoastal Waterway and Gulf Intracoastal Waterway. Going around the Florida Peninsula instead of crossing it adds over three hundred miles to a vessel's voyage. This waterway also reduces congestion and bridge openings on the southern Atlantic Intracoastal Waterway by providing an additional route from one side of the state to other.

In closing, we believe it is in best interest of the maritime community, that the All Aboard Florida Rail Service not utilize the existing Florida East Coast Railroad Bridge. It would represent a hazard to navigation, an obstruction to navigation, and an impediment to commerce in violation of the U.S. Code.

Respectfully,

John W. McCulley President

Exhibit E

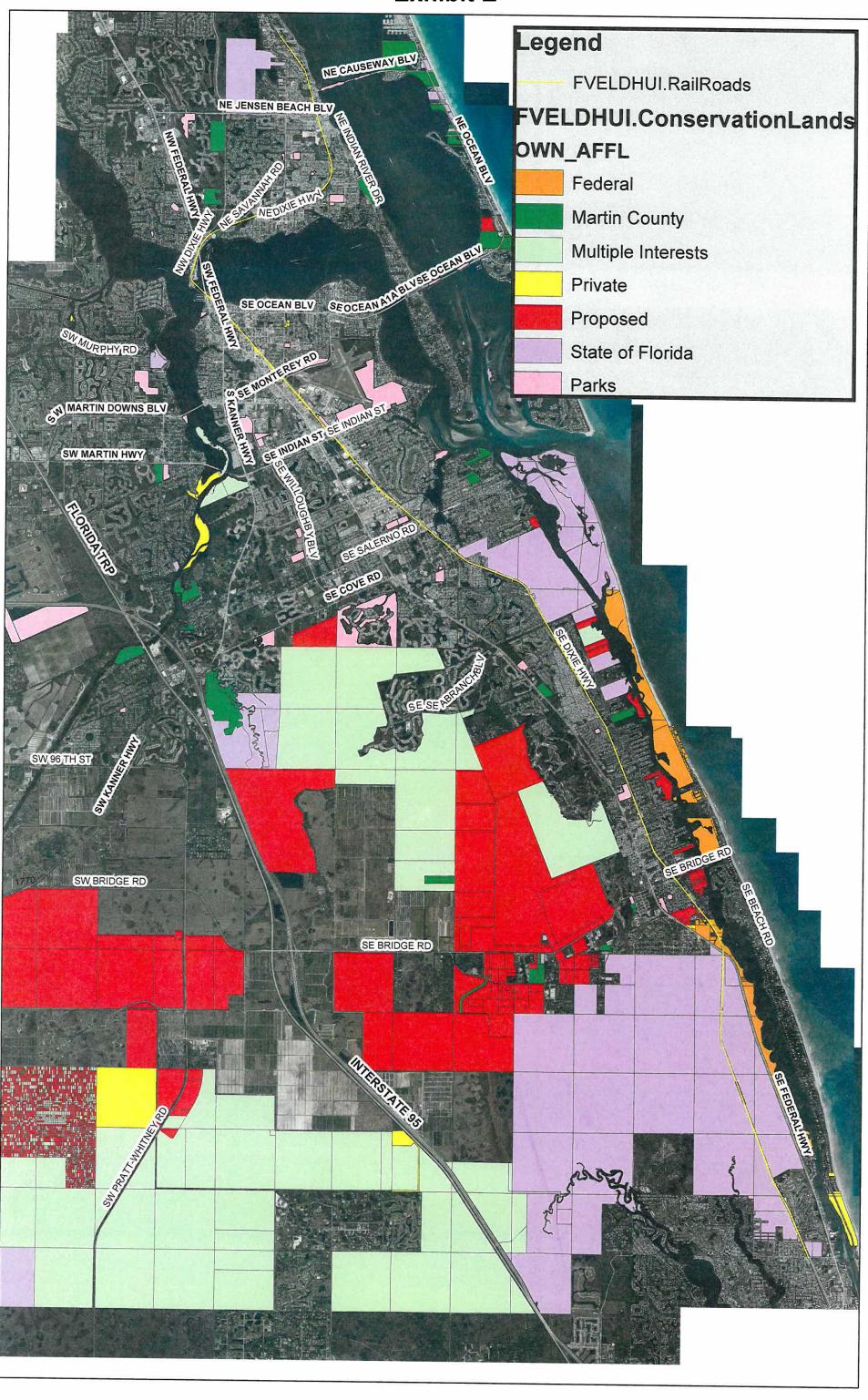


Exhibit F

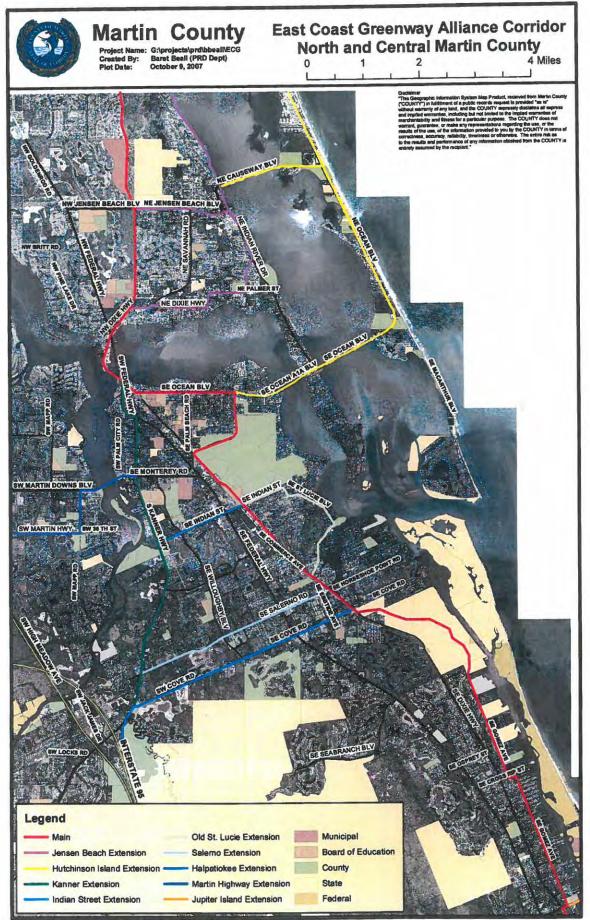


Exhibit G

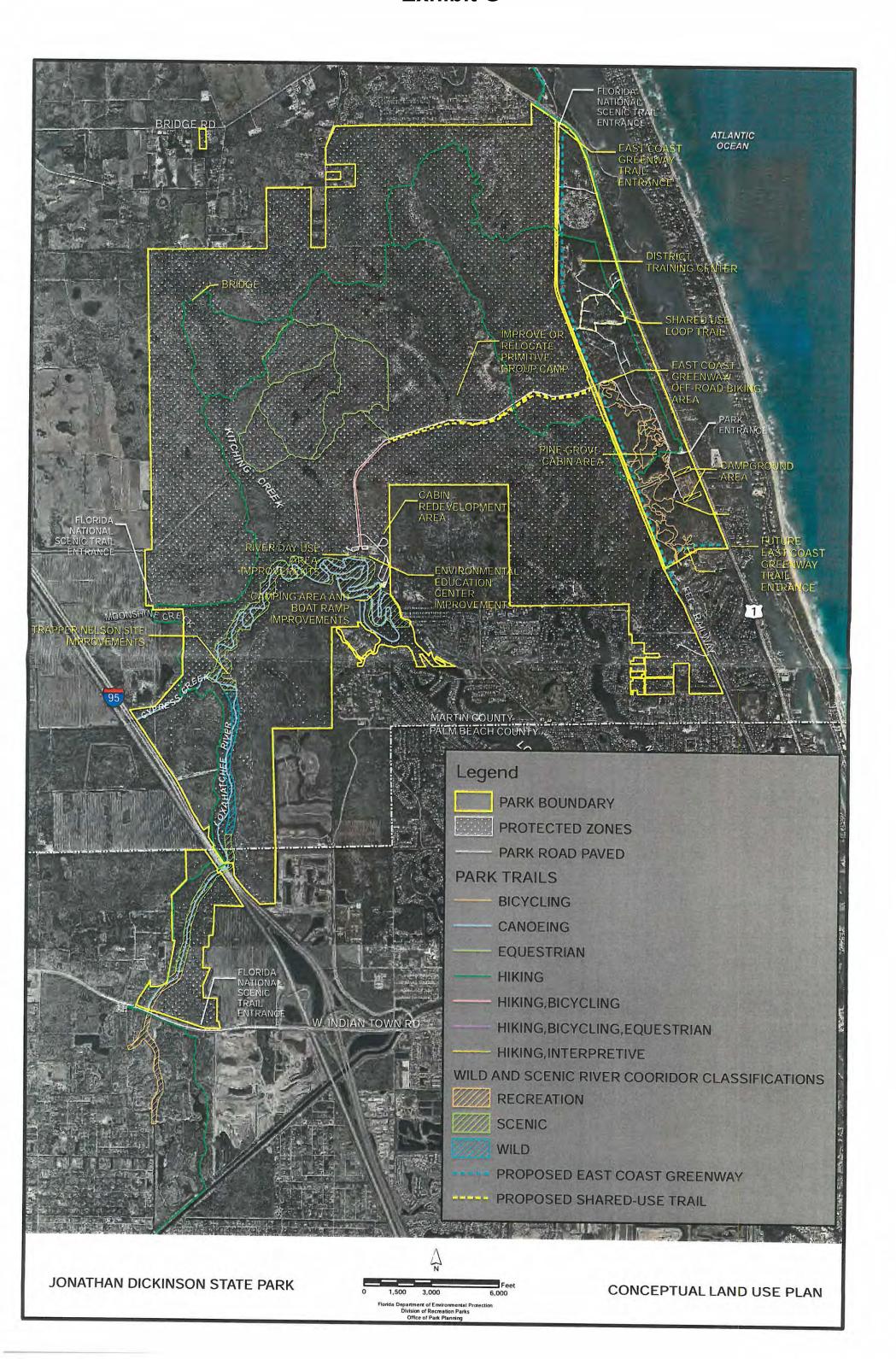
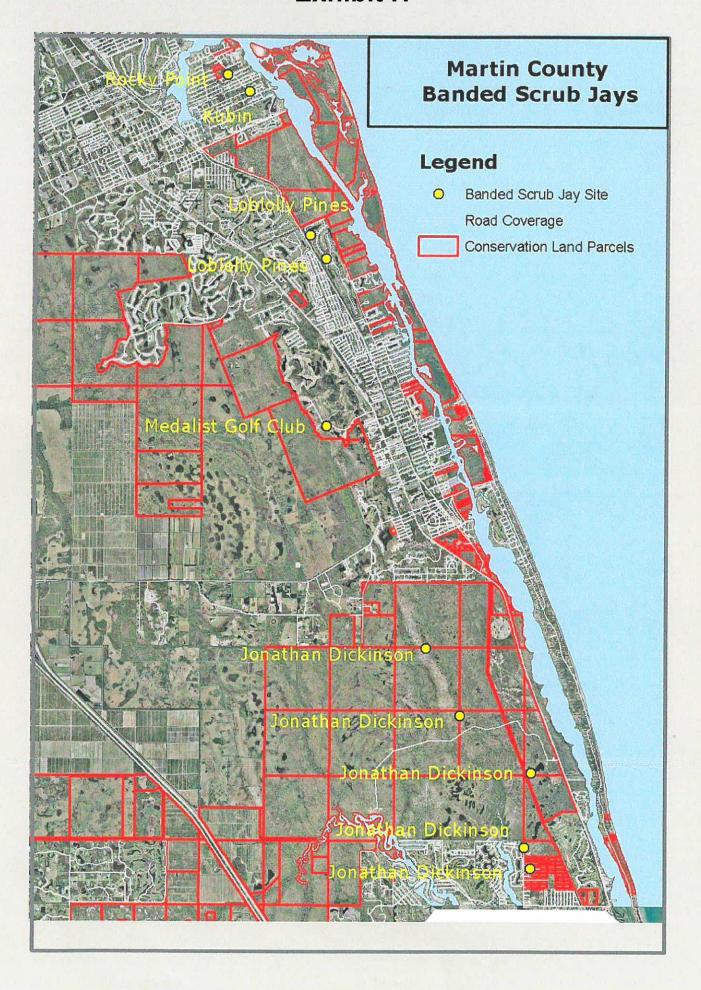


Exhibit H



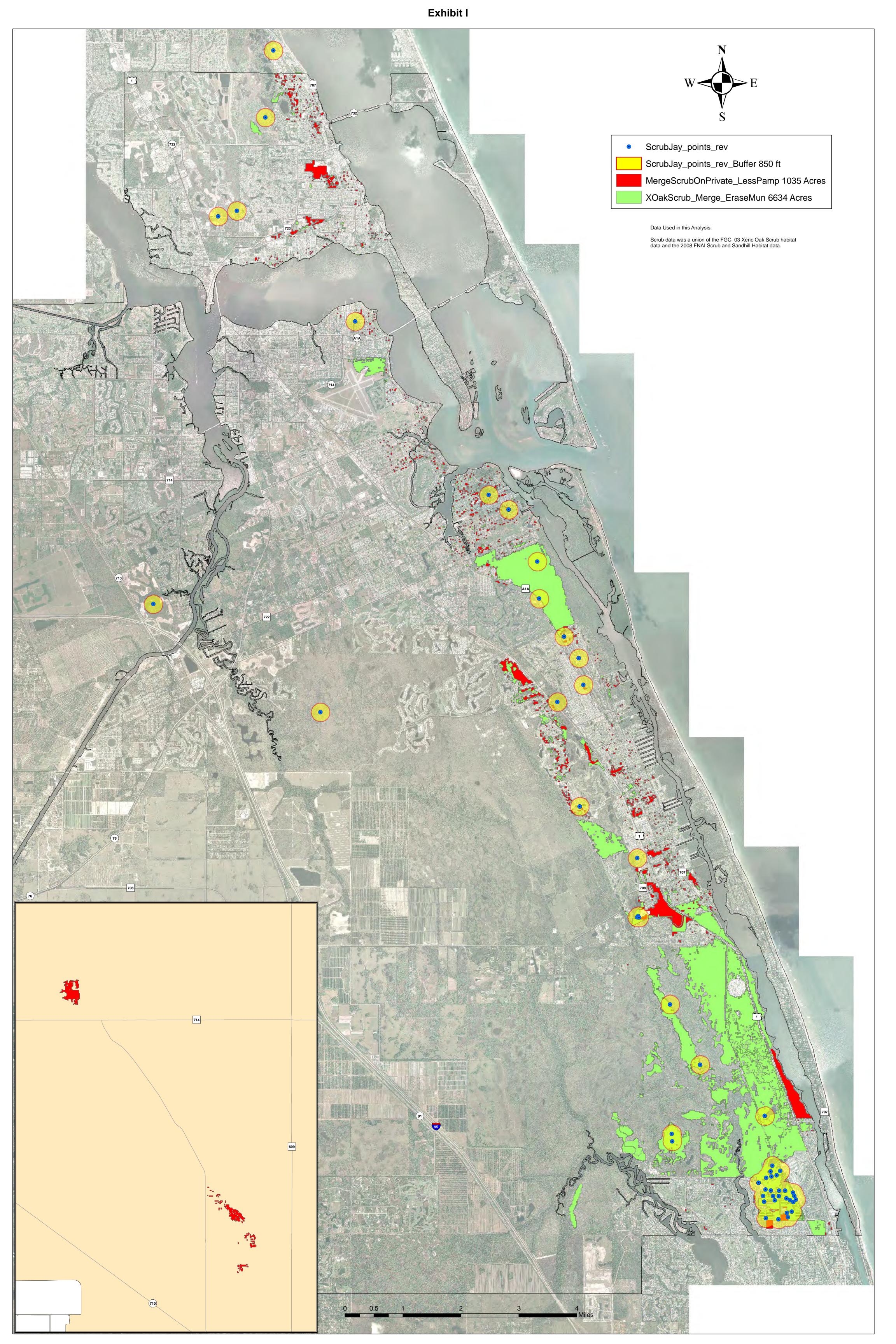


Exhibit J

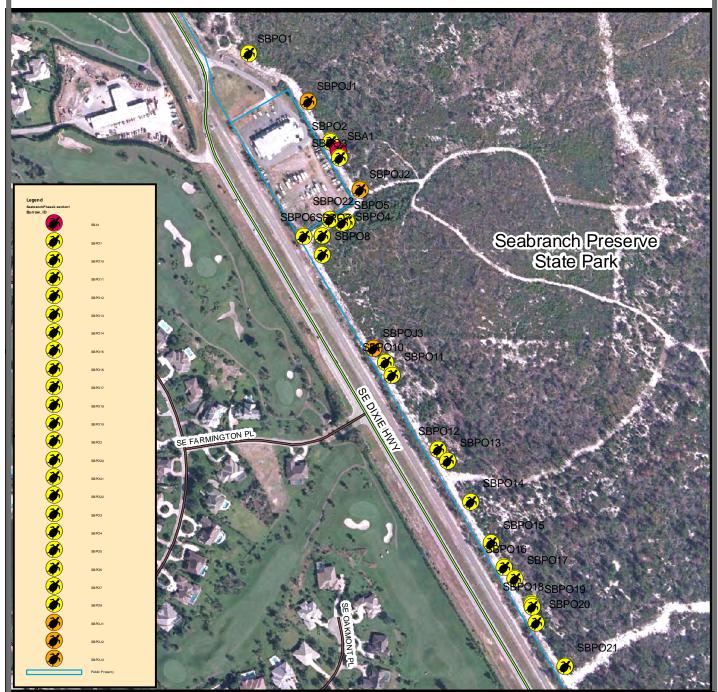
Martin County

Project Name: G:\projects\prd\bbeall\GopherTortoise\Sidewalks Baret Barry (ENG Dept) Created By:

Plot Date: January 20, 2012

East Coast Greenway Seabranch **Burrow Locations**

500 Feet 125 250



unsciamer "This Geographic Information System Map Product, received from Martin County ("COUNTY") in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient."



Exhibit K1



MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS CR A1A/ SE DIXIE HIGHWAY BIKE LANES

Martin County, Florida

FLORIDA SCRUB-JAY SURVEY

Revised October 2012

Project FM Number 431649-1-58-01

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NOTE: This Report, together with the concepts and design presented herein, as an instrument of service, is intended only for the specific purpose and Client for which it was prepared. Reuse of and improper reliance on this Report without written authorization and adaptation by Hobe Sound Environmental Consultants, Inc. shall be without liability to Hobe Sound Environmental Consultants, Inc.

FLORIDA SCRUB-JAY SURVEY

(APHELOCOMA COERULESCENS COERULESCENS)

MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS

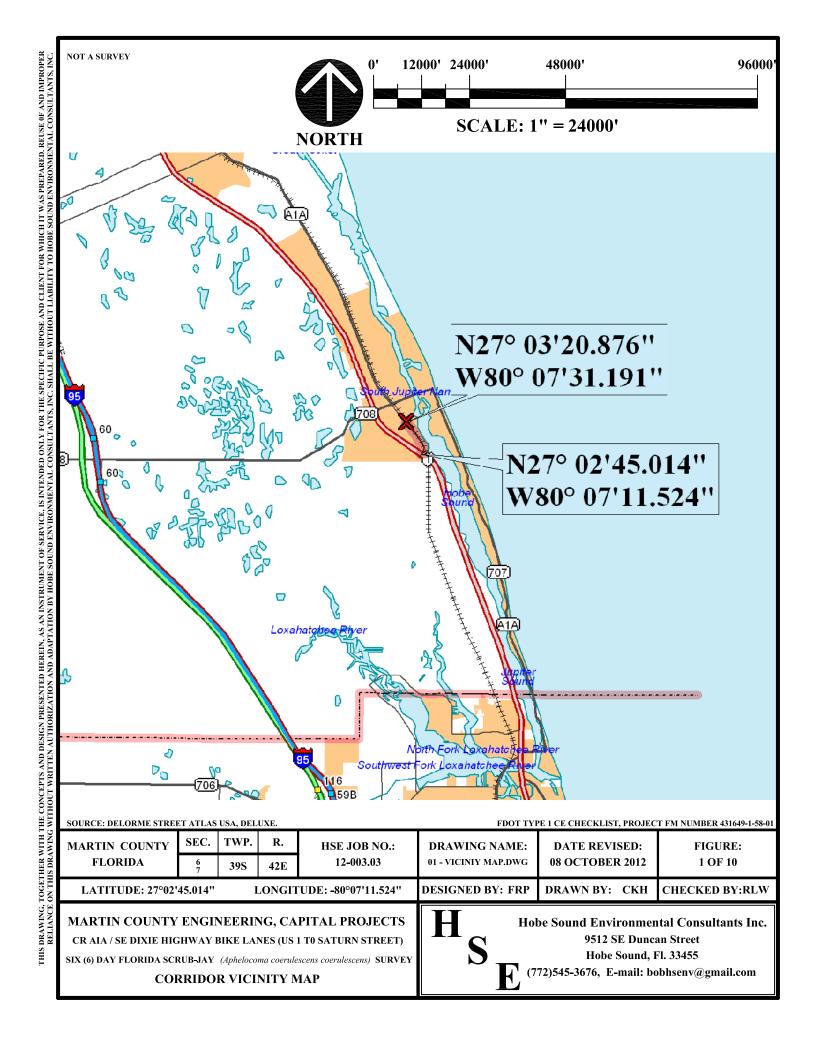
S. E. DIXIE HIGHWAY BIKE LANES

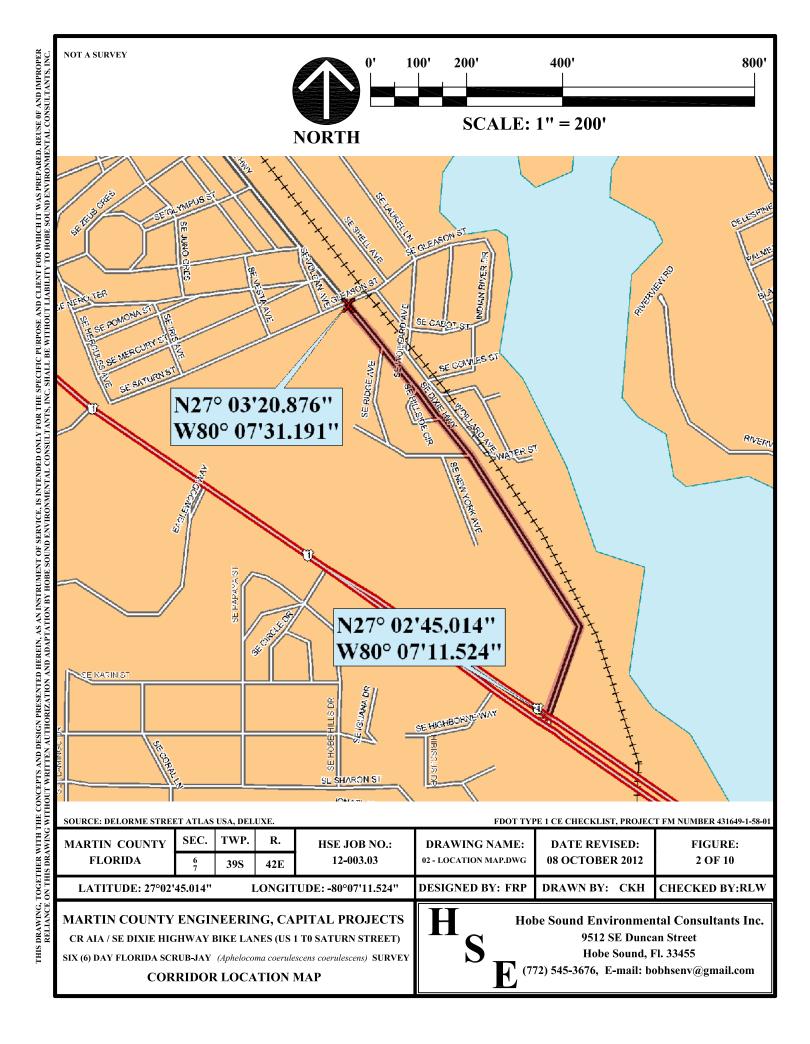
FM NUMBER 431649-1-58-01

1.00 INTRODUCTION

The following Florida Scrub-Jay Survey of the SE Dixie Highway Bike Lanes project site was conducted by Hobe Sound Environmental Consultants, Inc. (HSE). The project corridor is approximately 4380 linear feet and runs from US 1 to Saturn Street, Hobe Sound, Section 6 & 7, Township 39S, Range 42E, Martin County, Florida (Latitude: 27°02'45.014" and Longitude:-80°07'11.524") (Figures 1,2 and 3 of 10) The project scope consists of the widening of CR A1A / SE Dixie Highway from 10 to 12 feet, to provide 5-foot wide on-road bike lanes on each side of the road. The project will also include associated activities including: clearing / excavating: new road base; new asphalt paving: signing and pavement marking; new bahia sod at disturbed areas /erosion control; and maintenance of traffic. The project will be completed within the existing Martin County right-of-way (ROW).

The property corridor is dominated by disturbed land, residential and commercial property, roadways and upland scrub. The most common species that were located within the Corridor were: sand live oak (*Quercus geminata*) and sand pine (*Pinus clausa*). Dominant understory vegetation includes myrtle oak (*Quercus myrtifolia*), runner oak (*Quercus minima*), Chapman's oak (*Quercus chapmanii*), scrub hickory (*Carya floridana*), tallowwood (*Ximenia americana*), saw palmetto (*Serona repens*), and rosemary (*Ceratiola ericoides*). Groundcover is sparse with many open sandy areas and includes day flower (*Commelina erecta*), gopher apple (*Lucania michauxii*), prickly-pear cactus (*Opuntia humifusa*), sand spike-moss (*Selaginella arenicola*), giant wild pine (*Tillandsia utriculata*) and lichen (*Cladonia prostrata*). Adjacent properties include The Hobe Sound National







SOURCE: MARTIN COUNTY 2010 AERIAL PHOTOGRAPH.

FDOT TYPE 1 CE CHECKLIST, PROJECT FM NUMBER 431649-1-58-01

MARTIN COUNTY	SEC.	TWP.	R.	HSE JOB NO.:	DRAWING NAME:	DATE REVISED:	FIGURE:	
FLORIDA	6 7	398	42E	12-003.03	03 - 2011 AERIAL.DWG	08 OCTOBER 2012	3 OF 10	
LATITUDE: 27°02'	45.014"	J	LONGIT	TUDE: -80°07'11.524"	DESIGNED BY: FRP	DRAWN BY: CKH	CHECKED BY:RLW	

MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS
CR AIA / SE DIXIE HIGHWAY BIKE LANES (US 1 TO SATURN STREET)

SIX (6) DAY FLORIDA SCRUB-JAY (Aphelocoma coerulescens coerulescens) SURVEY

2011 AERIAL PHOTOGRAPH

H_S

Hobe Sound Environmental Consultants Inc. 9512 SE Duncan Street Hobe Sound, Fl. 33455

Wildlife Refuge, Florida East Coast Railroad right-of -way, commercial / residential properties and the South Martin Regional Utility. HSE was retained by Martin County to conduct a Florida scrub jay (*Aphelocoma coerulescens coerulescens*) survey on the project site since a small amount of Florida scrub jay habitat is located within the project boundaries and large amounts of habitat exist on adjacent properties, mostly to the west and south. This report documents the methodologies and results of the Florida scrub-jay survey that HSE biologists conducted from 03 through 07 September and 30 September 2012, within the project right-of-way.

2.00 METHODOLOGIES

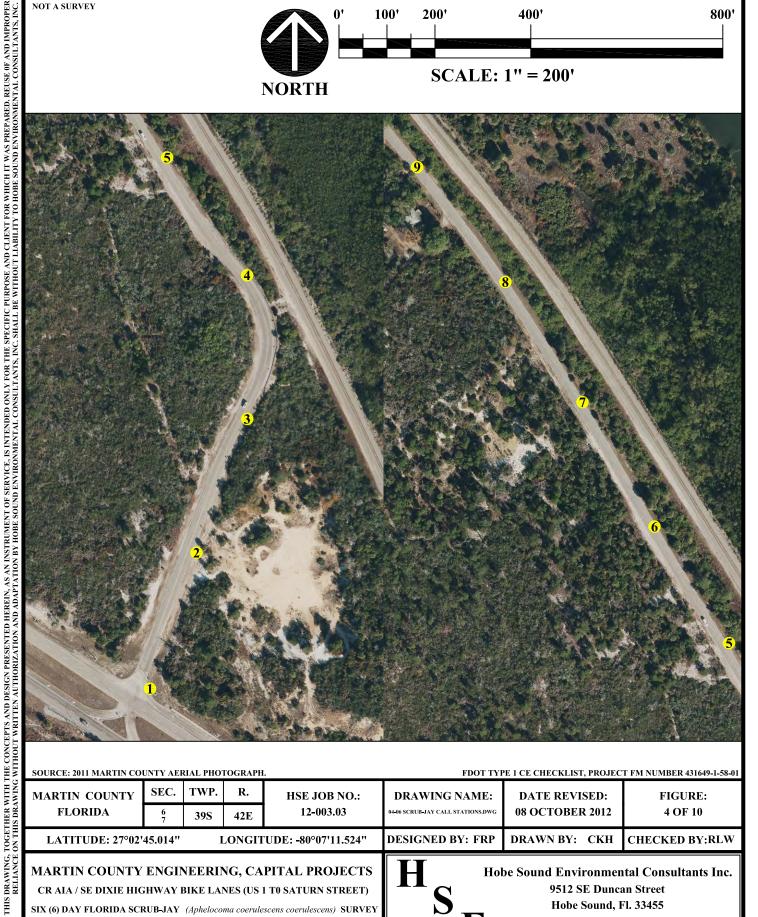
2.01 Objectives

HSE conducted a systematic survey for the presence of the Florida scrub-jay according to protocol set forth in *Ecological and Development-Related Habitat Requirements of the Florida Scrub Jay (Aphelocoma coerulescens coerulescens)*, Non-Game Wildlife Program Technical Report #8, Office of Environmental Services, Florida Game and Fresh Water Fish Commission (now known as Florida Fish and Wildlife Conservation Commission (FFWCC)], April 1991 and U.S. Fish and Wildlife Service (USFWS) Florida Scrub-Jay General Survey Guidelines and Protocols (updated 08/24/2007).

2.02 <u>Methodology</u>

HSE biologists established one (1) transect along the project corridor (Figures 4, 5 and 6 of 10) within the boundaries of the subject property.

• Biologists played Florida scrub-jay calls at a total of sixteen (16) playback



NORTH

SOURCE: 2011 MARTIN COUNTY AERIAL PHOTOGRAPH.

FDOT TYPE 1 CE CHECKLIST, PROJECT FM NUMBER 431649-1-58-01

MARTIN COUNTY	SEC.	TWP.	R.	HSE JOB NO.: 12-003.03	DRAWING NAME:	DATE REVISED:	FIGURE:	
FLORIDA	6 7	398	42E		04-06 SCRUB-JAY CALL STATIONS.DWG	08 OCTOBER 2012	4 OF 10	
LATITUDE: 27°02'	45.014"	J	LONGIT	TUDE: -80°07'11.524"	DESIGNED BY: FRP	DRAWN BY: CKH	CHECKED BY:RLW	

MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS CR AIA / SE DIXIE HIGHWAY BIKE LANES (US 1 TO SATURN STREET)

SIX (6) DAY FLORIDA SCRUB-JAY (Aphelocoma coerulescens coerulescens) SURVEY

SCRUB-JAY CALL STATIONS 1-9



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NORTH

SOURCE: 2011 MARTIN COUNTY AERIAL PHOTOGRAPH.

FDOT TYPE 1 CE CHECKLIST, PROJECT FM NUMBER 431649-1-58-01

MARTIN COUNTY	SEC.	TWP.	R.	HSE JOB NO.: 12-003.03	DRAWING NAME:	DATE REVISED:	FIGURE: 5 OF 10	
FLORIDA	6 7	39S	42E		04 - 06 SCRUB-JAY CALL STATIONS.DWG	08 OCTOBER 2012		
LATITUDE: 27°02'	45.014"	I	LONGIT	UDE: -80°07'11.524"	DESIGNED BY: FRP	DRAWN BY: CKH	CHECKED BY:RLW	

MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS
CR AIA / SE DIXIE HIGHWAY BIKE LANES (US 1 TO SATURN STREET)

SIX (6) DAY FLORIDA SCRUB-JAY (Aphelocoma coerulescens coerulescens) SURVEY

SCRUB-JAY CALL STATIONS 9-16

HS

Hobe Sound Environmental Consultants Inc. 9512 SE Duncan Street Hobe Sound, Fl. 33455

SOURCE: RLW	Fl
-------------	----

SOURCE: RLW FDOT TYPE 1 CE CHECKLIST, PROJECT FM NUMBER 431649-1-58-0										
MARTIN COUNTY	SEC.	TWP.	R.	HSE JOB NO.:	DRAWING NAME:	DATE REVISED:	FIGURE: 6 OF 10			
FLORIDA	6 7	39S	42E	12-003.03	04-06 SCRUB-JAY CALL STATIONS	08 OCTOBER 2012				
LATITUDE: 27°02'	45.014"	I	LONGIT	TUDE: -80°07'11.524"	DESIGNED BY: FRP	DRAWN BY: CKH	CHECKED BY:RLW			

MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS CR AIA / SE DIXIE HIGHWAY BIKE LANES (US 1 TO SATURN STREET)

SIX (6) DAY FLORIDA SCRUB-JAY (Aphelocoma coerulescens coerulescens) SURVEY

CALL STATION GPS COORDINATES

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stations located along the corridor, transect #1. The call stations were spaced approximately 300 feet apart (± 100 meters). (Figures 4, 5 and 6 of 10).

- At each playback station, biologists played scrub- jay territorial scolds, including the female "hiccup" call, for not less than one (1) minute in all four directions of a compass. The vocalizations were obtained from Macaulay Library, Cornell Lab of Ornithology, 159 Sapsucker Rd. Ithaca, NY 14850.
- The calls were played on a high-quality, hand-held compact disc (CD) player and broadcast at full volume.
- The scrub-jay survey was conducted for five (5) days from 03 through 07 September 2012. See Appendix A for Florida scrub-jay data sheets.
- The surveys were conducted on calm, clear days. Surveys were not conducted in winds stronger than a moderate breeze (5-8 mph) or in mist or fog, or in precipitation exceeding a light mist or intermittent drizzle.
- The survey was conducted in the fall (September). The surveys began approximately one (1) hour after sunrise, and were terminated prior to midday (refer to Appendix A, Florida scrub-jay Survey Data Sheets).
- Scrub-jay habitat types (I, II or III) were mapped and are depicted in Figure 7 of 10.

.

- Scrub-jay field data sheets were completed by HSE biologists at each call station and are attached as Appendix A.
- Biologists traversed the transect by foot and car.



LEGEND



- TYPE I HABITAT (WITHIN THE ROW 0.2± ACRES)



- TYPE I HABITAT (ADJACENT TO ROW, 100' BUFFER) $\pm\,6.6$ ACRES

TYPE I SCRUB-JAY HABITAT: UPLAND PLANT COMMUNITY, WITH GREATER THAN OR EQUAL TO 15 % COVER OF SCRUB OAK SPECIES

SOURCE: 2011 MARTIN COUNTY AERIAL PHOTOGRAPH.

FDOT TYPE 1 CE CHECKLIST, PROJECT FM NUMBER 431649-1-58-01

MARTIN COUNTY	SEC. TWP.		R.	HSE JOB NO.:	DRAWING NAME:	DATE REVISED:	FIGURE:	
FLORIDA	6 7	39S	42E	12-003.03	07 - SCRUB-JAY HABITAT TYPE.DWG	08 OCTOBER 2012	7 of 10	
LATITUDE: 27°02'	45.014"	I	LONGIT	ΓUDE: -80°07'11.524"	DESIGNED BY: FRP	DRAWN BY: CKH	CHECKED BY:RLW	

MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS

CR AIA / SE DIXIE HIGHWAY BIKE LANES (US 1 TO SATURN STREET)

SIX (6) DAY FLORIDA SCRUB -JAY (Aphelocoma coerulescens coerulescens) SURVEY

SCRUB-JAY TYPE I HABITAT ON-SITE AND ADJACENT TO CORRIDOR

H

Hobe Sound Environmental Consultants Inc. 9512 SE Duncan Street Hobe Sound, Fl. 33455 (772)545-3676, E-mail: bobhsenv@gmail.com

THIS DRAWING, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DRAWING WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY HOBE SOUND ENVIRONMENTAL CONSULTANTS, INC. SHALL BE WITHOUT LIABILITY TO HOBE SOUND ENVIRONMENTAL CONSULTANTS, INC.

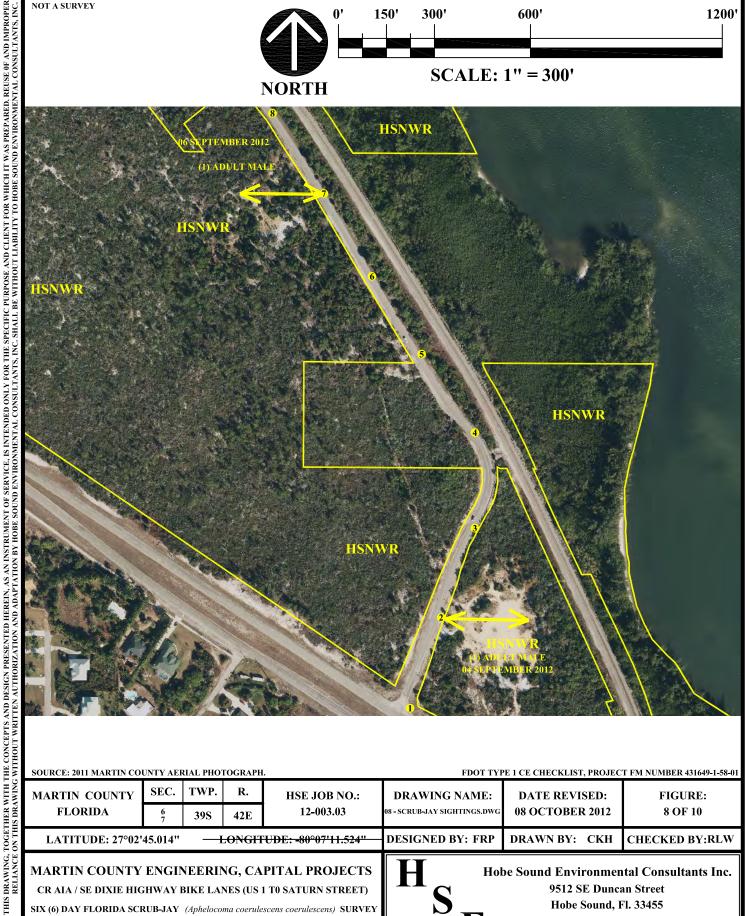
- Observed scrub-jay locations on-site were recorded with a hand held GPS unit and mapped.
- HSE biologists mapped the on-site vegetation using the *Florida Land Use*, *Cover and Forms Classification System* (FLUCFCS), January 1999, State of Florida, Department of Transportation, Surveying and Mapping. (Appendix B).
- The project site soils were mapped according to the *Soil Survey of Martin County Area, Florida*, Soil Conservation Service, April 1981.

3.00 RESULTS

3.01 <u>Scrub-jay Observations</u>

A total of two (2) scrub-jays were observed adjacent to the project site boundaries. Scrub-jays responded to calls at stations two (2) and seven (7) (Figure 8 of 10). The adult male at station two (2) was perched in a live oak tree and had an acorn in his mouth. The bird flew into the call station from the east and exited to the east. The property to the east is the Hobe Sound National Wildlife Refuge. The area is upland scrub and is Type I scrub-jay habitat. Some of the area to the east is an old borrow pit which is converting back to upland scrub with an abundance of open white sand areas. The second scrub-jay was observed at call station seven (7). This was an adult male which flew in to the call station from the west and perched in a dead tree, preened itself and then exited to the west. The land to the west of Dixie Highway in this area is upland scrub and is part of the Hobe Sound National Wildlife Refuge. The upland scrub is scrub-jay Type I habitat. Neither bird stayed in the area for very long and seemed to be more transient than territorial. HSE was unable to identify any bands on the birds, since their stays were too short in duration. No females or juvenile scrub-jays

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SOURCE: 2011 MARTIN COUNTY AERIAL PHOTOGRAPH.

FDOT TYPE 1 CE CHECKLIST, PROJECT FM NUMBER 431649-1-58-01

MARTIN COUNTY	SEC. TWP.		R.	HSE JOB NO.:	DRAWING NAME:	DATE REVISED:	FIGURE:	
FLORIDA	6 7	398	42E	12-003.03	08 - SCRUB-JAY SIGHTINGS.DWG	08 OCTOBER 2012	8 OF 10	
LATITUDE: 27°02'	45.014"	\dashv	LONGIT	FUDE: -80°07'11.524"	DESIGNED BY: FRP	DRAWN BY: CKH	CHECKED BY:RLW	

MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS CR AIA / SE DIXIE HIGHWAY BIKE LANES (US 1 TO SATURN STREET) SIX (6) DAY FLORIDA SCRUB-JAY (Aphelocoma coerulescens coerulescens) SURVEY

SCRUB-JAY SIGHTINGS AND DIRECTION OF FLIGHT

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were observed during the six (6) day survey. No nests were observed on-site and no scrub-jay nest building behavior was observed. There are approximately 0.20± acres of Type I scrub-jay habitat within the project corridor (Figure 7 of 10).

3.02 <u>Vegetation (FLUCFCS)</u>

3.02.1 General

The project site is dominated by disturbed right-of-way along Dixie Highway with upland scrub mainly located in the southern portion of the project site. Associations present on-site were mapped using Level II and III of FLUCFCS. The classifications used represent the closest facsimile possible to the natural communities present on-site. The FLUCFCS maps can be found as Appendix - B, Figures 1-15 of 15. Classifications depicted on the FLUCFCS Maps are described below.

3.02.2 Vegetation Associations

3.02.2.1 111 - Residential (+/- 0.10 acres)

This designation represents the existing fixed single family units located along Dixie Highway within the project site.

3.02.2.2 140 - Commercial & Services (+/- 0.05 acres)

This designation represents the existing commercial buildings located along Dixie Highway within the project site.

3.02.2.3 436 - Upland scrub (+/- 0.20 acres)

This community type represents a conglomeration of species found in the upland scrub. This community does not have one predominant species. Upland scrub is a protected environment that may consist of fauna and flora that are endangered and/or threatened. The most common species that were located within the Corridor were: sand live oak (*Quercus geminata*) and sand pine (*Pinus clausa*). Dominant understory vegetation includes myrtle oak (*Quercus myrtifolia*), runner oak (*Quercus minima*), Chapman's oak (*Quercus chapmanii*), scrub hickory (*Carya floridana*), tallowwood (*Ximenia americana*), saw palmetto (*Serona repens*), and rosemary (*Ceratiola ericoides*). Groundcover is sparse with many open sandy areas and includes day flower (*Commelina erecta*), gopher apple (*Lucania michauxii*), pricklypear cactus (*Opuntia humifusa*), sand spike-moss (*Selaginella arenicola*), giant wild pine (*Tillandsia utriculata*) and lichen (*Cladonia prostrata*).

3.02.2.4 <u>740 - Disturbed land (+/- 3.71 acres)</u>

This area is the dominant community within the project site. It ranges from maintained right-of-way to open sand along Dixie Highway. This area has been previously been cleared of canopy and shrub species and is now dominated by open sand and herbaceous groundcover with few trees. The main species that make up this community are bahia grass (*Paspalum notatum*), Brazilian pepper (*Schinus terebinthifolius*), cabbage palm (*Sabal palmetto*), and saw palmetto.

3.02.2.5 814 - Roads & Highways (+/- 0.27 acres)

This area represents driveways and roads that are located within the project site boundaries.

3.02.3 Native Vegetation

Approximately 0.20 acres of native upland scrub habitat exists on-site (Type I scrub-jay habitat). According to Florida Natural Areas Inventory (FNAI), the native upland scrub that exists on site has a FNAI state rank of S2 and a FNAI global rank of G2. FNAI defines the S2 designation as "Imperiled in Florida because of rarity

or because of vulnerability to extinction due to some natural or man-made factor." FNAI defines the G2 designation as "Imperiled globally because of rarity or because of vulnerability to extinction due to some natural or man-made factor." According to Section 9.4.A.9.c of the Martin County Growth Management Plan, these plants will be protected and/or relocated on-site

3.03 Soils

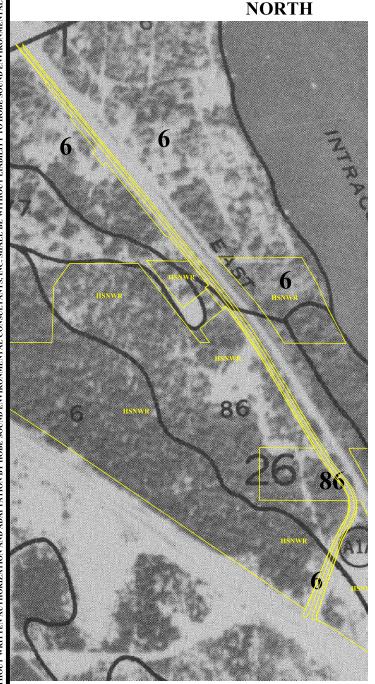
The United States Department of Agriculture(USDA), Soil Conservation Service (SCS), has mapped the surficial soil types within the project site. The resulting soil delineations were published in the *Soil Survey of Martin County Area*, *Florida*, April 1981. SCS soil types are mapped on Figure 9 of 10.

Detailed and complete descriptions of each of these soil communities are presented in the Martin County Soil Survey, and therefore not included herein. However, a general description of the soils is included in Table 1. This table also represents physical properties and degree of limitation of various soil types mapped, as excerpted from the SCS published data.

Soil types mapped by the SCS are generally limited to the upper 60 to 72 inches of the soil profile and are distinguished by several factors. These factors include soil drainage, topography, presence or absence of restrictive or clayey hardpan type soils and the depth and range in fluctuation of the groundwater table associated with each soil type. SCS soil classifications are considered good early indicators and a reasonable.

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SCALE: 1'' = 600'



LEGEND

06 - PAOLA SAND, 0 TO 8 PERCENT SLOPES 86 - PAOLA SAND, 8 TO 20 PERCENT SLOPES

SOURCE: SCS SOIL SURVEY OM MARTIN COUNTY AREA, FLORIDA, APRIL 1981. SHEET 34

FDOT TYPE 1 CE CHECKLIST, PROJECT FM NUMBER 431649-1-58-01

MARTIN COUNTY	SEC.	TWP.	R.	HSE JOB NO.:	DRAWING NAME:	DATE REVISED:	FIGURE:	
FLORIDA	6 7	6 39S 42E 12-003.03		12-003.03	09 SCS SOIL MAP.DWG	08 OCTOBER 2012	9 OF 10	
LATITUDE: 27°02'45.014" LONGIT				ΓUDE: -80°07'11.524"	DESIGNED BY: FRP	DRAWN BY: CKH	CHECKED BY:RLW	

MARTIN COUNTY ENGINEERING, CAPITAL PROJECTS CR AIA / SE DIXIE HIGHWAY BIKE LANES (US 1 T0 SATURN STREET)

SIX (6) DAY FLORIDA SCRUB-JAY (Aphelocoma coerulescens coerulescens) SURVEY

SCS SOIL MAP - SHEET 34



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Table 1. Soil Descriptions*.

Soil Name and Map	Brief Soil Description	Seasonal High Water Table		Permeability Rate		U	and Kind of itation		
Number		Depth (ft.)	Duration (mos.)	Depth (in.)	Rate (in/hr)	Dwelling without basement	Aquifer fed excavated Ponds (water mgmt)	Hydrologic Group	Martin County Hydric Soil
Paola sand, 0 to 8 percent slopes	This nearly level to sloping soil is excessively drained. It is on the coastal ridge and isolated knolls in coastal areas. Areas are many hundreds of acres in size. Slopes are smooth to convex	> 6.0	-	0 - 32 32-80	> 20 > 20	Slight	Severe: no water	A	No
Paola sand, 8 to 20 percent slopes	This strongly sloping to moderately steep soil is excessively drained. It is on the coastal ridge. Areas range from about 10 to 100 acres. Slopes are single or complex.	> 6.0	-	0 - 35 35 - 80	> 20 > 20	Moderate: slope	Severe: no water	A	No

3.04 Topography

According to the *USGS 7.5 Minute Series Topographic Map, Gomez Quadrangle*, site elevation is approximately 26' NGVD. Figure 10 of 10 depicts the USGS Topographic Map for the project site.

4.00 CONCLUSIONS

- Two (2) adult Florida scrub-jays were observed south and west of the Dixie Highway corridor at stations two (2) and seven (7). Both birds flew in from the Hobe Sound National Wildlife Refuge (Figure 8 of 10).
- <u>No</u> female or juvenile scrub-jays or family units were observed. <u>No</u> scrub-jay nests were observed in the corridor during the survey.
- Approximately 0.2 acres of Type I scrub-jay habitat exists within the Dixie Highway corridor. Adjacent scrub-jay habitat exists in the Hobe Sound National Wildlife Refuge.
- The Florida scrub-jay is listed as Threatened by the State of Florida and by the U.S. Fish and Wildlife Service.
- There will be no impacts to upland scrub. Impacts will be avoided by micro-siting the project. Please refer to Martin County construction drawings to be submitted under separate cover.
- The proposed project as designed should have no significant impacts on scrub-jays, since there are only 0.2± acres of upland scrub within the corridor and the road already exists.
- The Hobe Sound National Wildlife Refuge, which is adjacent to the project, provides suitable habitat for scrub-jay families, although it is in need of a prescribed burn to improve scrub-jay habitat.

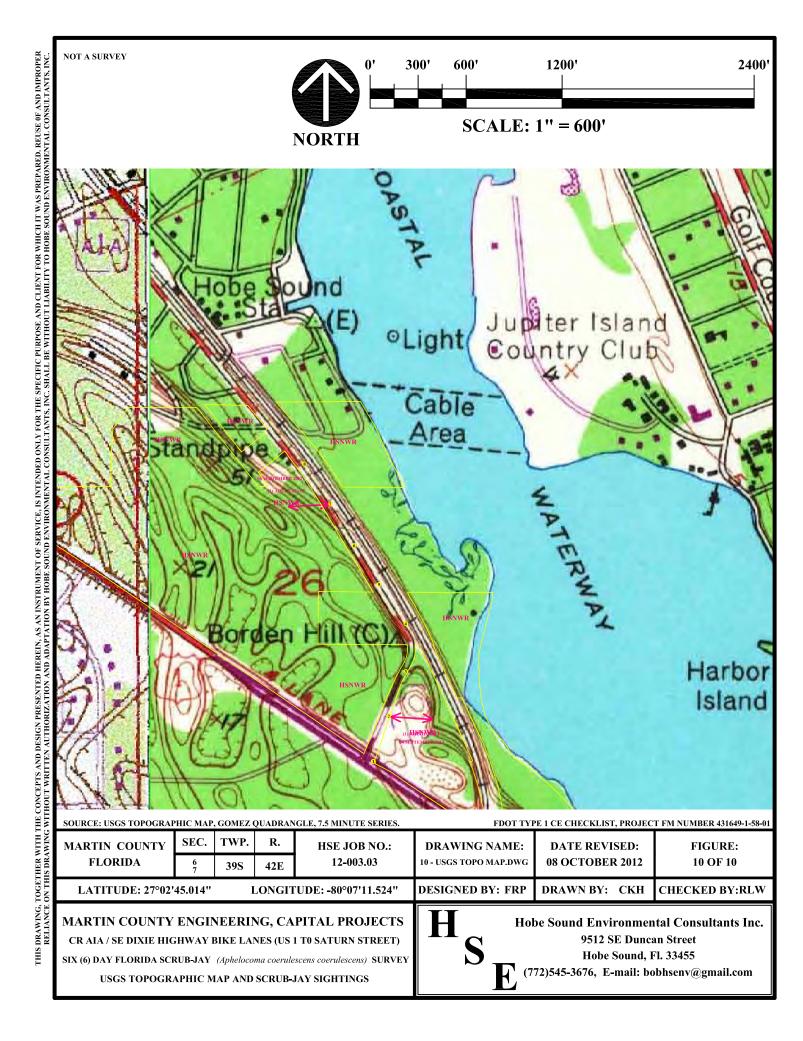


Exhibit K2 JayWatch Wrap-Up Meeting, Year 8 Jonathan Dickinson State Park 8/7/2014





Time Spent on Project 2014

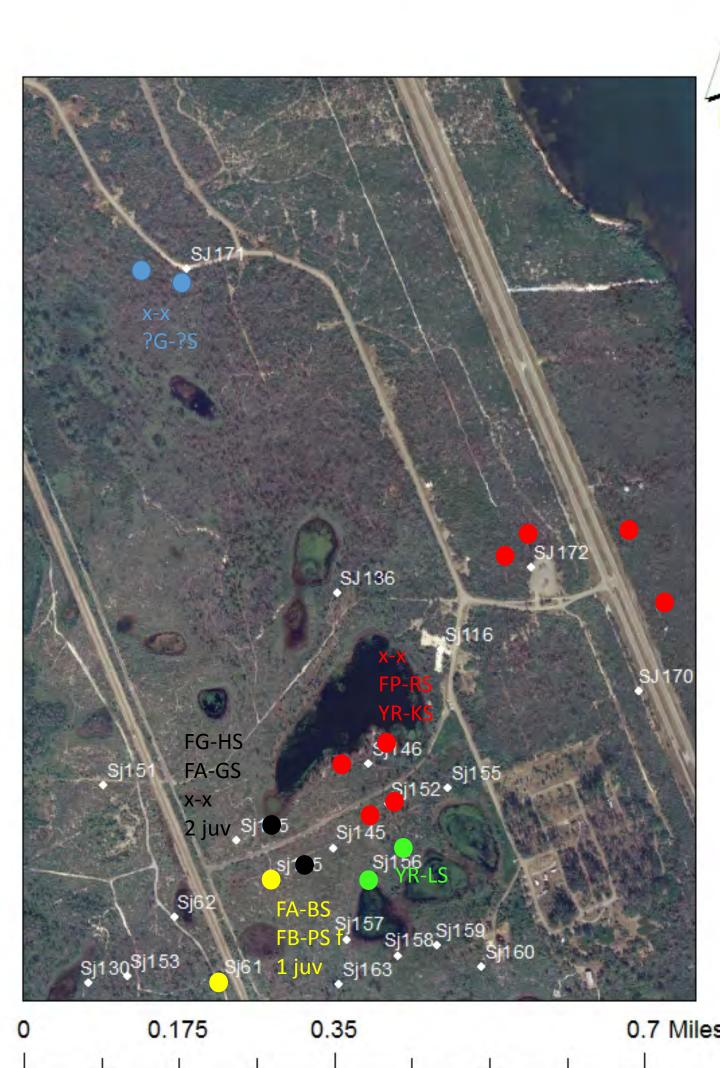
- 28 participants
- 18 volunteers (144 hours)
- 6 staff (86 hours)
- 4 AmeriCorps (25 hours)
- 255 hours total

THANK YOU!!!

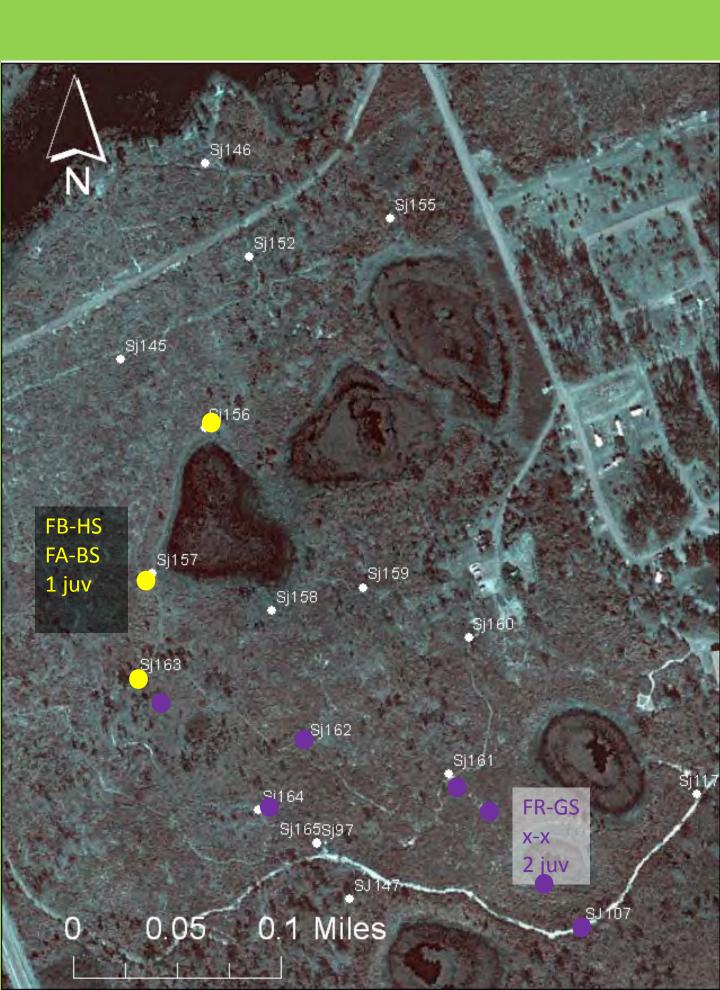
Big Picture All Years

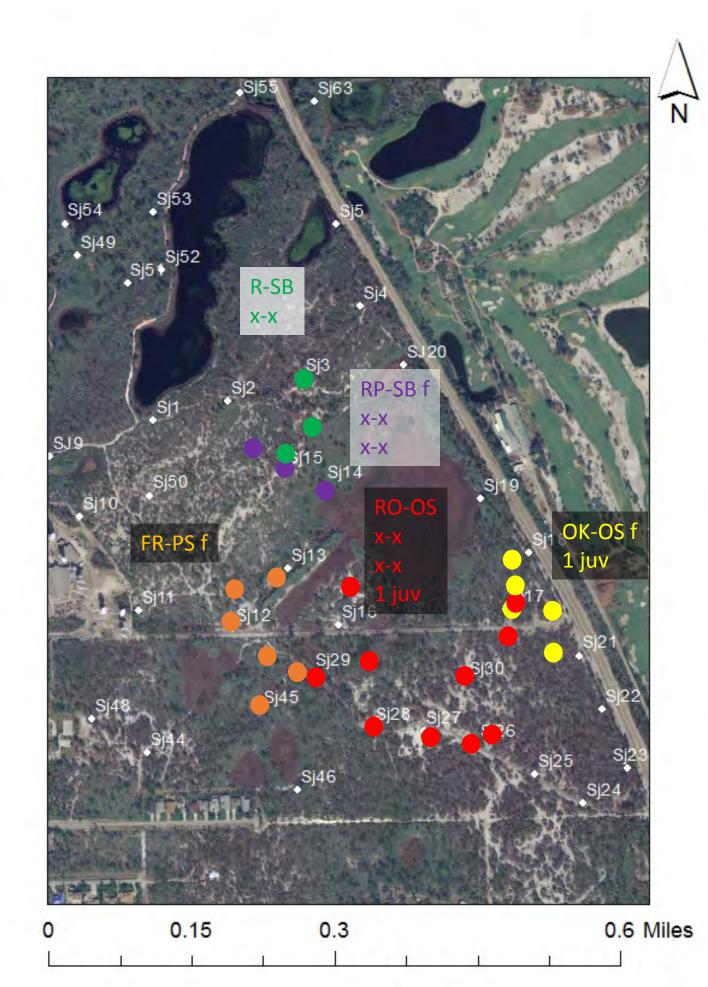


Year	# points	Families	Adults	Juveniles	Total	Birds / Family	Juveniles / Family
Tour	# points	Tarrinos	Addito	Juvernies	Total	ranny	Tairing
2007	39	12	29	6	35	2.92	0.50
2008	44	15	36	10	46	3.07	0.67
2009	125	22	55	5	60	2.73	0.23
Very w	vet winter	r					
2010	74	16	40	13	53	3.31	0.81
2011	128	18	42	14	56	3.11	0.78
Very d	ry winter						
2012	128	16	33	4	38	2.17	0.24
2013	157	14	35	3	38	2.71	0.21
2014	167	16	33	11	44	2.75	0.69



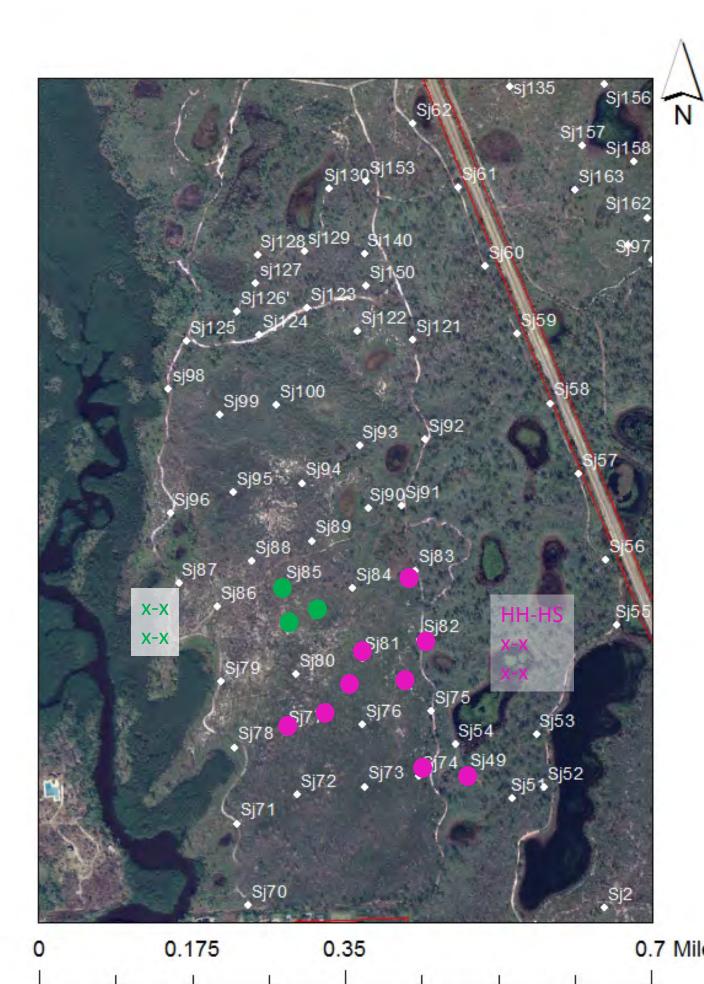
3 banded adults1 unbanded adult3 juvenile2 families



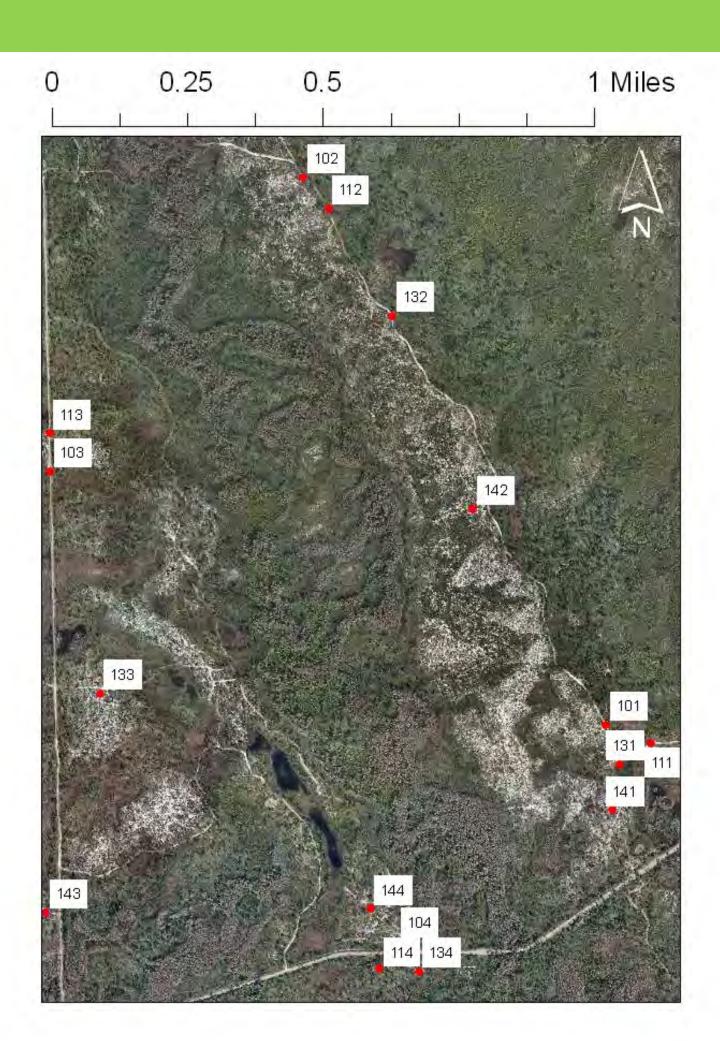


0 banded adults0 unbanded adult0 juvenile0 families





0 banded adults0 unbanded adult0 juvenile0 families



0 banded adults8 unbanded adult4 juvenile3 families





Big Picture All Years

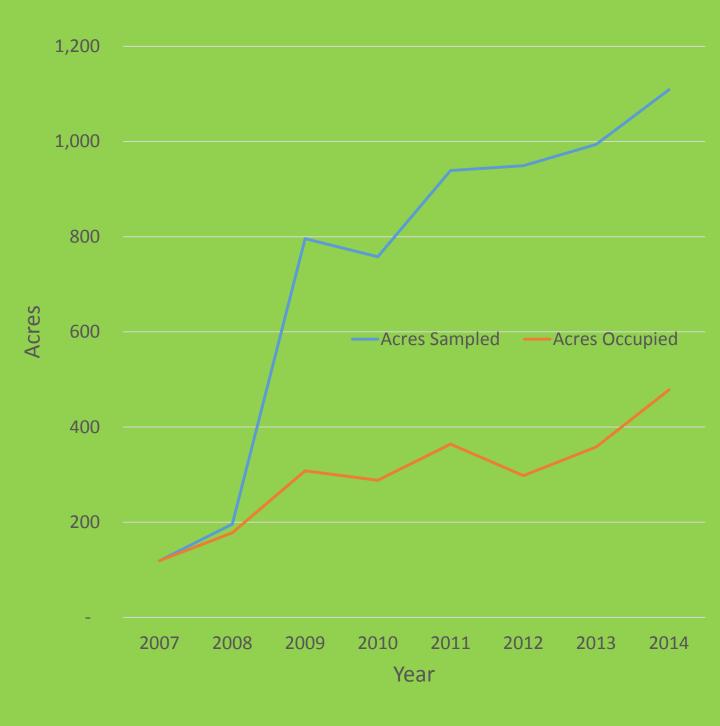


Year	# points	Families	Adults	Juveniles	Total	Birds / Family	Juveniles / Family
2007	39	12	29	6	35	2.92	0.50
2008	44	15	36	10	46	3.07	0.67
2009	125	22	55	5	60	2.73	0.23
Very w	vet winter						
2010	74	16	40	13	53	3.31	0.81
2011	128	18	42	14	56	3.11	0.78
Very d	ry winter						
2012	128	16	33	4	38	2.17	0.24
2013	157	14	35	3	38	2.71	0.21
2014	167	17	33	11	44	2.58	0.65

Major Findings

- Good number of juveniles (11)!!!!!
- Best look at LORAN Tower birds yet!!!!!!
- More territory occupied than previous years (LORAN Tower and Pine Grove)!!!!!

Some missing birds? Where do they go?						
		Acres				
	Acres	Occupied	% Acres			
Year	Surveyed	by SJ	Occupied			
2014	1109	478	43%			
2013	994	358	36%			
2012	949	298	31%			
2011	939	364	39%			
2010	758	288	38%			
2009	796	308	39%			
2008	196	178	91%			
2007	119	119	100%			



Some jobs to do!

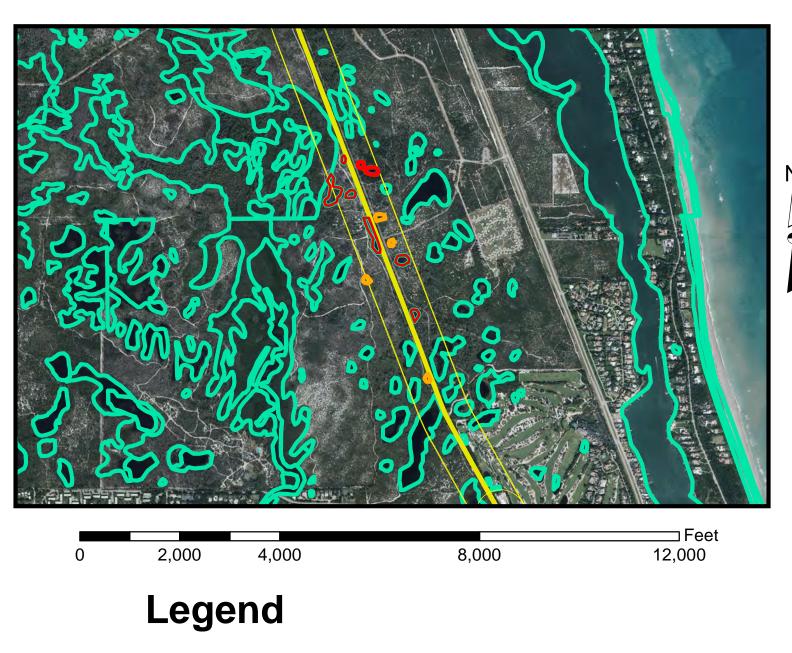
- Take picture of group!
- New traps (again)!
- Data entry

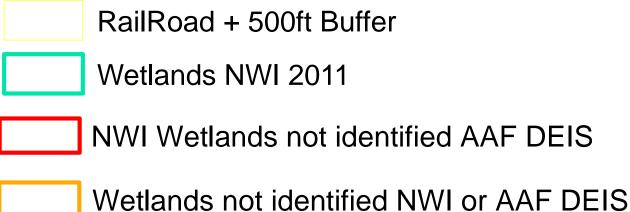


Exhibit L

Excerpted Area from Figure A7 of Appendix 4.1.1-A,, AAF DEIS

MC Staff Land Use/Wetland Identification Accuracy Analysis









Explanation of Features

AAF Project Area

0000 = Landuse Code Landuse Key - A1

Data Sources: ESRI Bing Maps 2012 Imagery, SJRWMD 2009, SFWMD 2004, AAF 2012

Palm Beach County Landuse Map

All Aboard Florida Project Area Alignment Study

Drawn	Date	N		
NMG	06/11/2013	IN A		
Checked	Date	•	1,500	3,000
AB	06/11/2013			
Path: F:\FECI\FECI_GDB\MXD\EA\EIS Land Use Map.mxd				



Figure A7 **Exhibit M**

All Aboard Florida; Environmental Justice

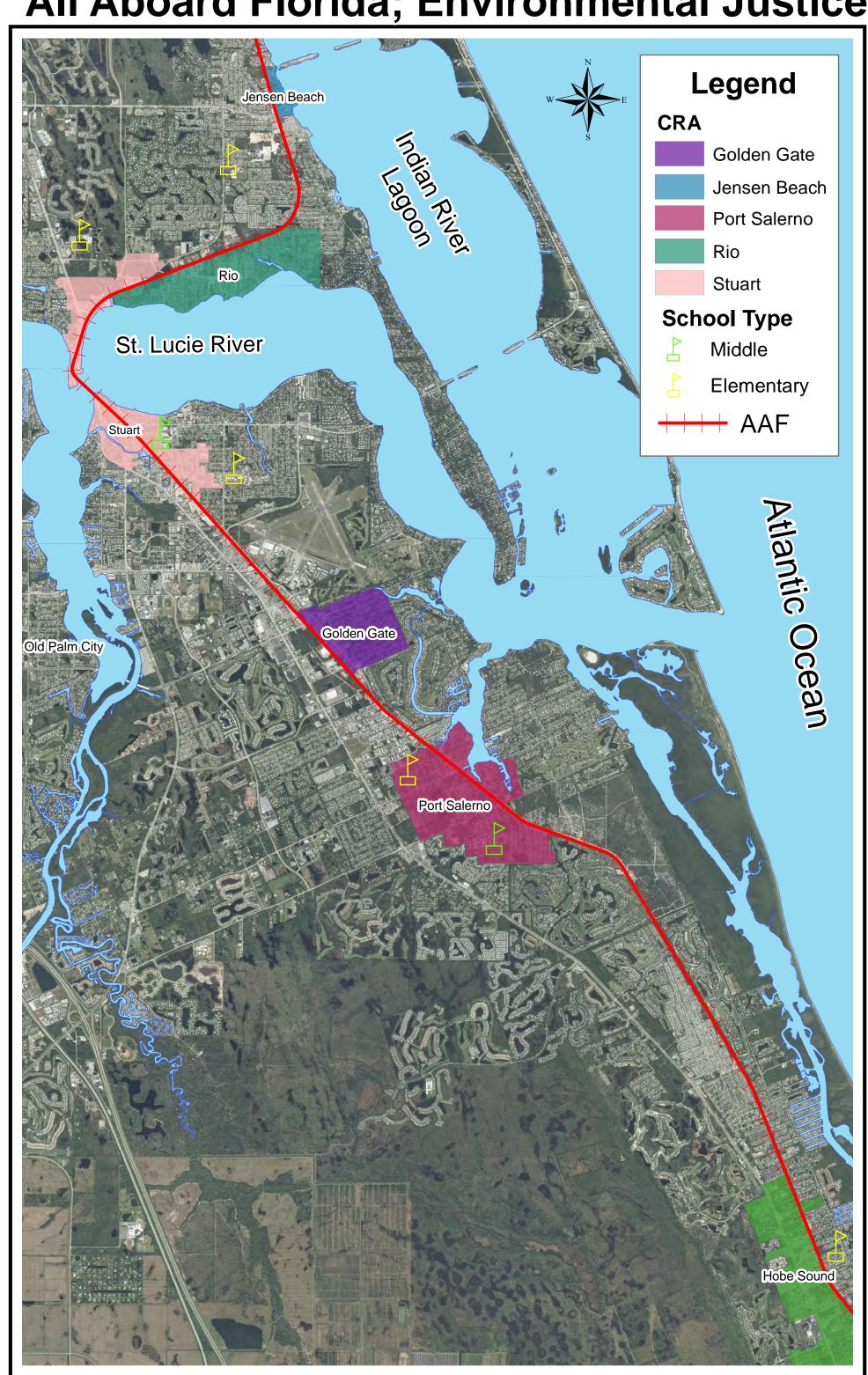


Exhibit N

MARTIN COUNTY COMMUNITY REDEVELOPMENT AREAS.

This report sets out comparison findings concerning the potential impacts of the proposed All Aboard Florida (AAF) passenger rail project upon Martin County's adopted Community Redevelopment Areas.

Martin County has seven defined Community Redevelopment Areas (CRA's). Five of the seven CRA's abut or are bisected by the Florida East Coast (FEC) Railroad, on which the AAF project will run. The addition of passenger rail onto the existing primarily freight corridor will cause an increase in overall rail traffic. Therefore, the County and its CRA's will be directly affected by increased rail traffic and the potential of more frequent closing of railroad crossings. This analysis looks at the potential impacts on the activities of populations within the CRA's.

The FEC Railroad passes through five CRA's, these are (Fig F.I – F.V);

- I. Golden Gate CRA (1 crossing).
- II. Hobe Sound CRA (2 crossings).
- III. Port Salerno CRA (4 crossings).
- IV. Jensen Beach CRA (1 crossing).
- V. Rio CRA (1 crossing).

This analysis considers the location of the railroad crossings within the CRA's and the effect that additional rail traffic may have. Data sources are taken from The American Community Survey (ACS) using the Esri 'Community Analyst' Geographic information tool. The tool utilizes five year 2008-2012 ACS estimates that were collected monthly from January 1, 2008 through December 31, 2012.

The analysis pulls out four main factors that will be used to measure and compare levels of activity/disadvantage within defined community areas to those experienced in the County as a whole. The four factors identified are:

- Travel to Work by Walking or Bicycle.
- 2. Income to Poverty Level less than 1.
- 3. Households (HH) with disabilities.
- 4. Persons in receipt of Food Stamps.

METHODOLOGY

To provide a comparison for the analysis the four factors outlined above were first extracted on a County level. It was then necessary to determine the most appropriate definition to determine the extent and boundaries of the comparison areas.

The areas selected for this analysis were defined by first setting out the likely range (distance) of impact of additional rail traffic. A number of independent studies and reports detail that the proximity to a railroad is correlated to certain impacts, both negative (closer to the rail line¹) and positive (further from the rail line with a passenger stop²). As the proposed AAF project does not include passenger stops within Martin County, the analysis utilizes study findings related to the impact of additional railroad traffic without the benefit of passenger stops. Therefore, using study findings, we have defined a buffer of 1000ft either side of the rail line would be an appropriate measure.

That buffer has then been extended through the unincorporated County along the line of the FEC railroad. Only the portions of the CRA's that are within the buffer limits are extracted for comparative analysis.

ANALYSIS

Table T.1 shows the relative proportion of population within each CRA, and then within each CRA buffer. The County-wide Buffer contains approximately **8.1%** of the County population. The population of the CRA areas contained within their respective Buffer range from 10% through to 100%, and as a whole some **36%** of the population of the CRA's are located within the Buffer as it passes through each CRA. From this we are able to confirm that there is a disproportionate representation of CRA population when compared to the Countywide Buffer.

TABLE T.1	Population	Housing Units	Population % of County	Population % within Buffer
COUNTY WIDE	146497	78037		
GOLDEN GATE CRA	2829	866	1.9%	
HOBE SOUND CRA	3470	2153	2.4%	
PORT SALERNO CRA	3551	1557	2.4%	
JENSEN BEACH CRA	172	182	0.1%	
RIO CRA	2204	1474	1.5%	
COUNTY WIDE BUFFER*	11811	7121	8.1%	8.1%
GOLDEN GATE BUFFER*	284	79	0.2%	10.0%
HOBE SOUND BUFFER*	945	629	0.6%	27.2%
PORT SALERNO BUFFER*	1545	669	1.1%	43.5%
JENSEN BEACH BUFFER*	172	182	0.1%	100.0%
RIO CRA BUFFER*	1264	756	0.9%	57.4%

¹ The effect of freight railroad tracks and train activity on residential property values, Robert A. Simons & Abdellaziz El Jaouhari, 2004

²Impacts Of Rail Transit On Property Values, Roderick B. Diaz, Booz ,Allen & Hamilton Inc. Mclean, VA

TABLE T.2	Walk/Cycle to Work	Population with Income to Poverty Level <1	Food Stamps	HH with Disability
COUNTY WIDE	2.3%	12.5%	6.6%	25.6%
GOLDEN GATE CRA	7.6%	38.0%	23.8%	20.5%
HOBE SOUND CRA	13.5%	11.7%	13.2%	28.8%
PORT SALERNO CRA	1.5%	22.2%	10.9%	33.5%
JENSEN BEACH CRA	13.3%	17.0%	6.8%	28.2%
RIO CRA	1.0%	8.4%	13.9%	24.3%
COUNTY WIDE BUFFER*	5.1%	14.6%	10.1%	28.7%
GOLDEN GATE BUFFER*	11.3%	45.1%	23.9%	22.5%
HOBE SOUND BUFFER*	15.1%	17.4%	22.4%	26.1%
PORT SALERNO BUFFER*	2.7%	17.6%	8.3%	32.5%
JENSEN BEACH BUFFER*	13.3%	17.0%	6.8%	28.2%
RIO CRA BUFFER*	1.1%	6.9%	17.8%	26.9%

When the four comparative factors are examined (Table T.2), within the County as a whole (County Wide), within each CRA and then within each respective Buffer area, some discernable differences appear. The majority of factors are above the datum level set for the County. Charts A through D show a graphic representation of the various factors. The most consistent factors are those which indicate a lower income level; the percentage of people claiming Food Stamps is 6.6% County Wide, this compares to high rates in each of the CRA Buffer areas (22.4% in Hobe Sound and 23.9% in Golden Gate). Apart from the Rio CRA Buffer and Port Salerno CRA Buffer area each CRA has a significantly higher percentage than County Wide (2.3%), that use walking or cycling to travel to work (Hobe Sound 15.1%, Jensen Beach 13.3% and Golden Gate 11.3%). The lower end of the income to poverty level is higher in the majority of CRA Buffer Areas, but more significantly so in the Golden Gate CRA Buffer (45.1%) compared to County Wide (12.5%). Port Salerno CRA Buffer identifies that a high proportion of households with disability are affected (32.5%) compared to County Wide (25.6%).

The potential impacts upon Residential property values have also been analyzed. The CRA functions on revenue that is generated by increases in property values to fund improvements that are aimed at curing blight and poor economic viability. Therefore any decrease in property values has a negative effect upon capital investment and economic revitalization of these areas. Table T-3 shows the number of residential properties that are affected in each CRA buffer area. Studies¹ have shown that additional rail traffic can adversely affect property values between 5% and 7% within 750ft of a rail line. In this instance the analysis has used residential property within the 1000ft buffer strips in each CRA and has applied the lower depreciation rate of 5%.

T-3	Housing units	Average Value	Total value	5% of Value
Golden Gate Buffer	80	\$306,250	\$24,500,000	\$1,225,000
Hobe Sound Buffer	650	\$375,174	\$243,863,100	\$12,193,155
Port Salerno Buffer	674	\$185,863	\$125,271,662	\$6,263,583
Jensen Beach Buffer	189	\$213,380	\$40,328,820	\$2,016,441
Rio Buffer	745	\$178,255	\$132,799,975	\$6,639,999
Total	2338	\$242,414	\$566,763,557	\$28,338,178

The total potential impact of additional rail traffic may cause, at a minimum, an **\$28 million reduction** in residential property values within the CRA buffer area. The effect on the county wide buffer is estimated at \$90 million depreciation. The effect on Commercial property has not been analyzed.

SUMMARY

The effect of additional railroad traffic, noise and vibration is not easily quantified. However, the analysis of the County's five affected Community Redevelopment Areas has revealed distinct characteristics that show a negative deviation and disproportionate representation when compared to a County wide datum. So whatever the effect it will be seen more readily to effect these disadvantaged areas than the County as a whole.

Moreover, property values within the buffer areas may also be negatively affected. Any reduction of property values within a CRA compromise its ability to address the range of factors analyzed in this report and then, as a consequence, perpetuate and consolidate the disparity that has been identified.

Additional study will need to be undertaken to assess the potential affect upon commercial property values and traffic/boat delays at the railroad crossing points including the railway bridge over the St. Lucie River between Stuart and Rio.

Chart A. Comparison of population % that walk or cycle to work

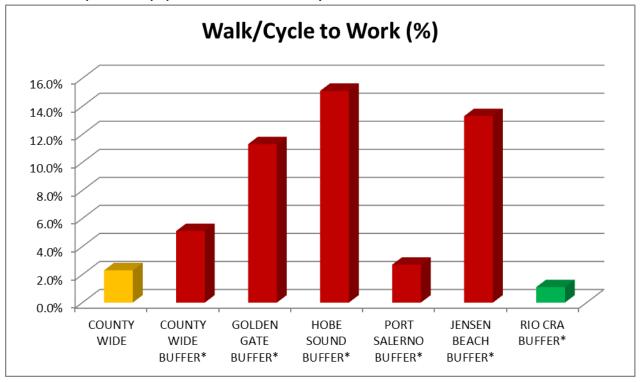


Chart B. Comparison of population % that has income to poverty level <1

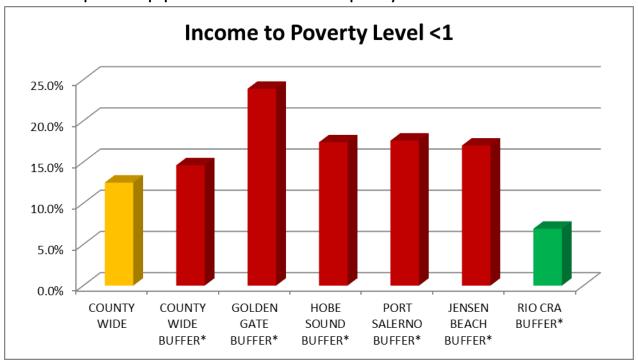


Chart C. Comparison of households % with Disability

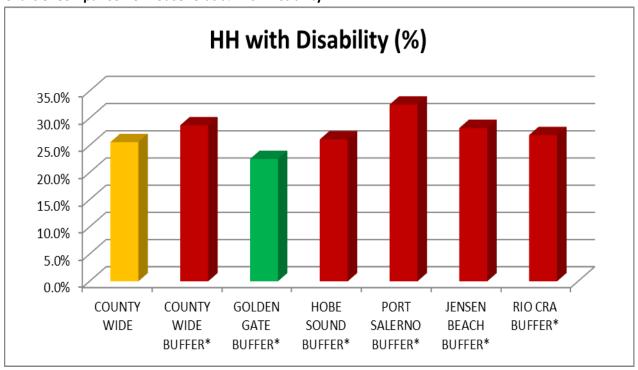
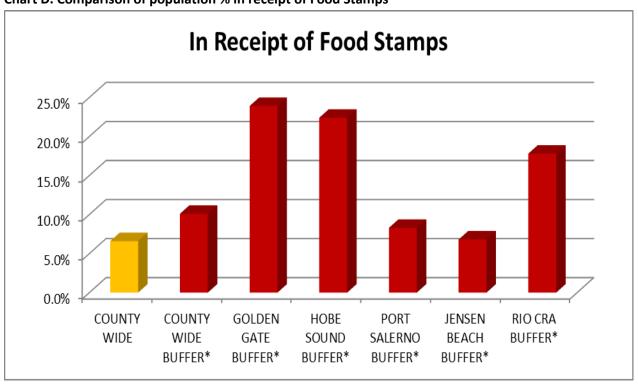
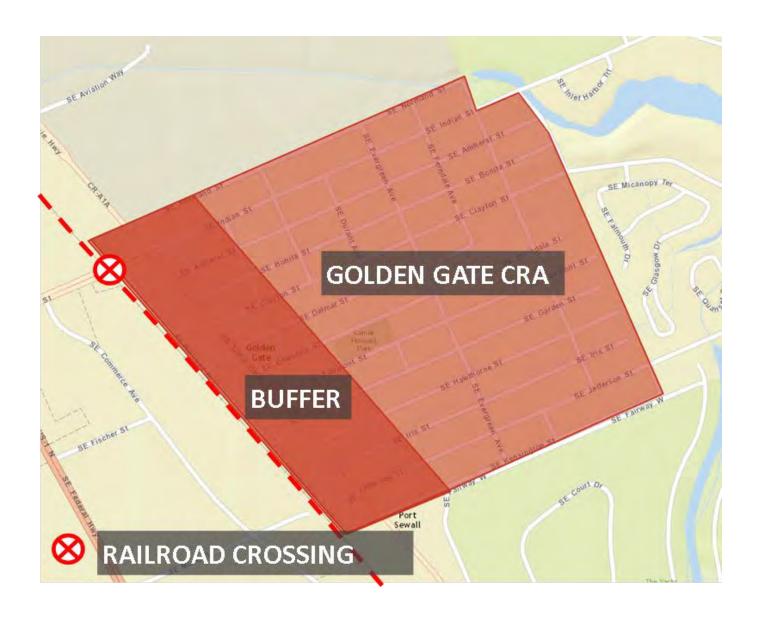


Chart D. Comparison of population % in receipt of Food Stamps





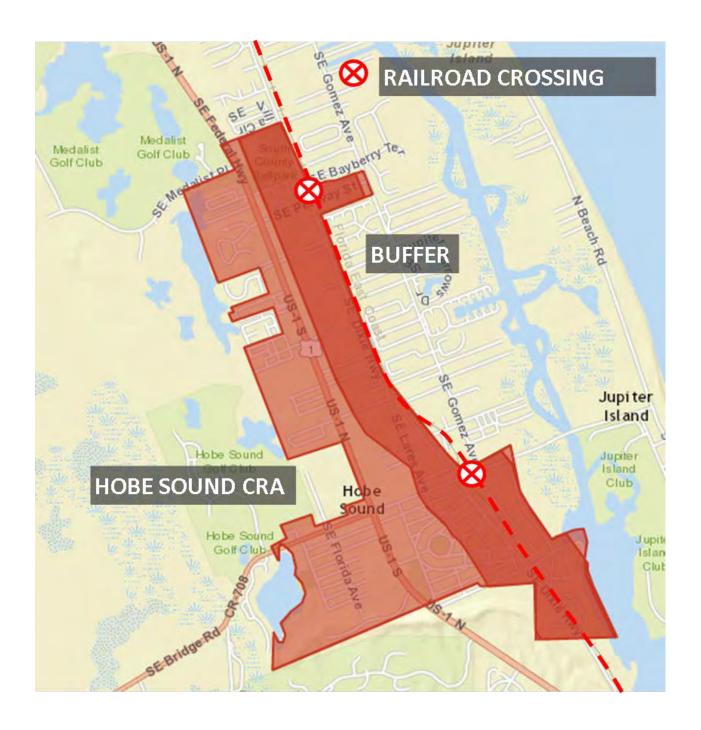


FIG. III. PORT SALERNO CRA, RAILROAD CROSSINGS AND BUFFER

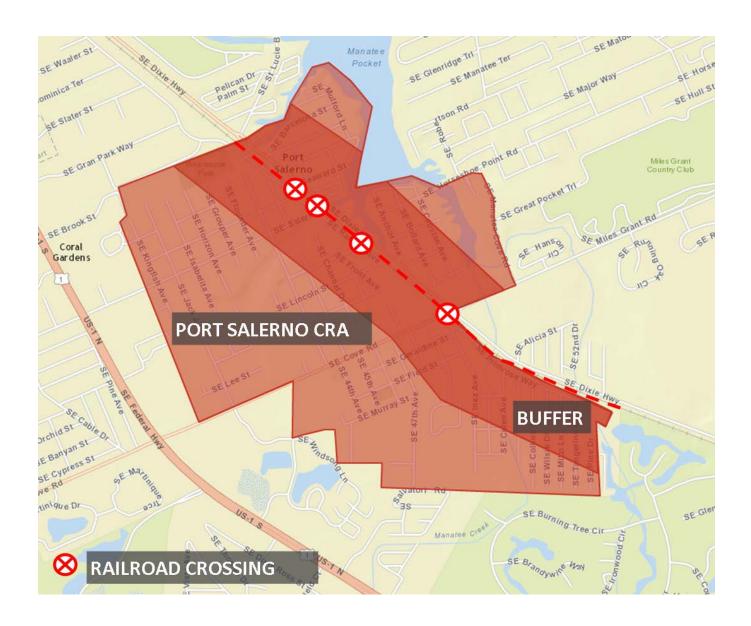
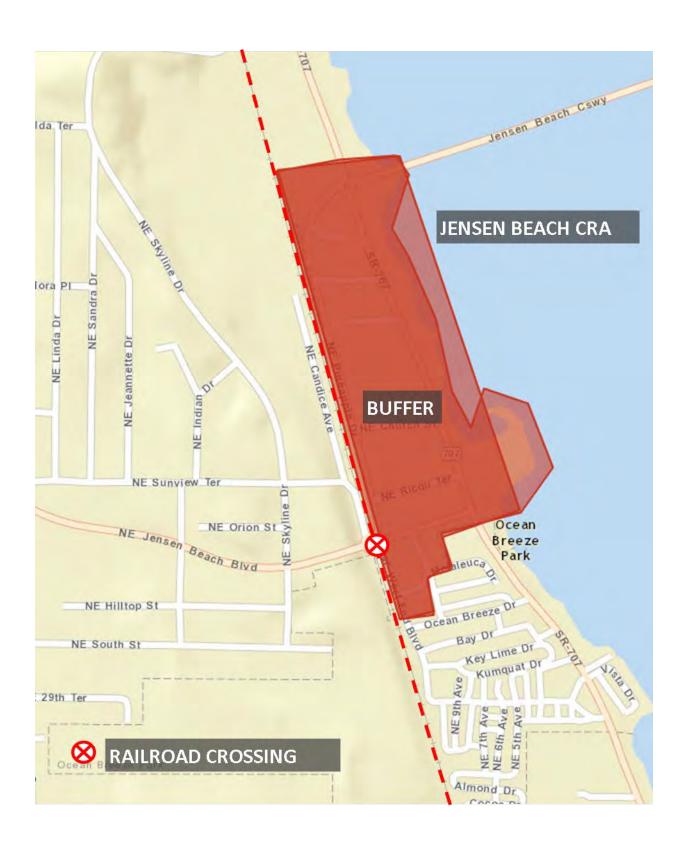


FIG. IV. JENSEN BEACH CRA, RAILROAD CROSSINGS AND BUFFER



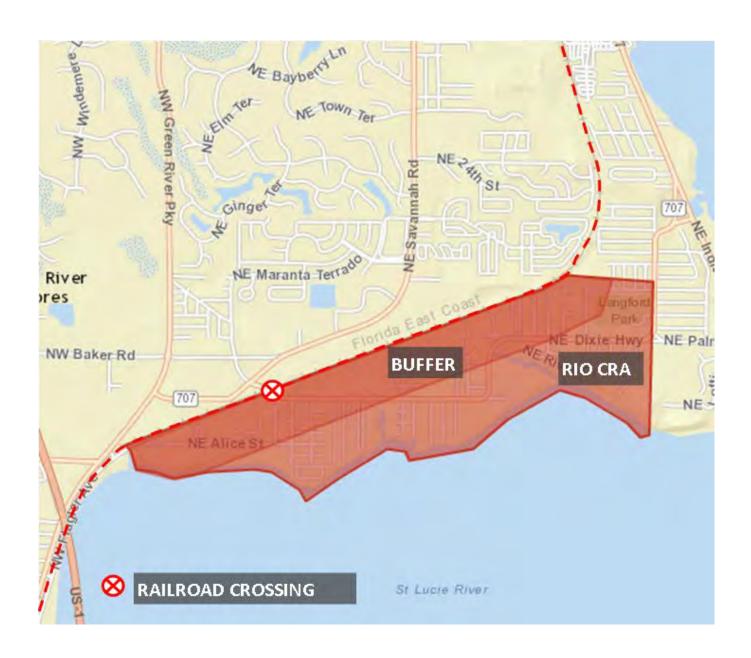


EXHIBIT O





November 13, 2014

To: Hon. John Haddox Board of Martin County Commissioners 2401 S.E. Monterey Road Stuart FL 34996

Dear Commissioner Haddox,

The Realtor Association of Martin County greatly appreciates your leadership and outreach in consulting local leaders, experts and stakeholders in order to gather "on-the-ground" information and better understand how All Aboard Florida will affect our community.

Among the countless community concerns accompanying AAF's intentions, the most pervasive is its negative impact on property values and by extension, property taxes.

Real numbers are not available because AAF has not been completed. After it is, it will unfortunately be too late. However, as Realtors, ® we know from ongoing market analysis, varied local knowledge and extensive client feedback that AAF will tangibly harm the value of waterfront properties—which compromise the lion's share of the county's property tax revenue.

To help determine the impact resulting from AAF, the Martin County Property Appraiser developed a map showing waterfront properties, the number of parcels per acre, and the total market value. The property appraiser has also determined the number of parcels impacted using buffers of 400 and 1,000 feet.

If oft-repeated but worth restating that in addition to AAF's 32 passenger rails per day, experts project increases by up to 30 percent in the longer, slower freight trains—meaning as many as 20 freight trains, up to 2-and-a-half-miles long—per day.

According to the property appraiser, there are 2,826 properties which fall within the 400-foot buffer, and 7,337 properties which fall within the 1,000-foot buffer. Each will have a compelling case to make to the property appraiser about how increases in noise pollution, odors and vibrations will diminish their property—and taxable—value.

As the maritime industry develops a financial impact study accounting for delays to recreational and commercial boat traffic, we understand the diminished appeal to homebuyers attracted to our waterfront lifestyle but deterred by boating backups at the rail bridge over the St. Lucie River. The best way I can think to capture this depth of impact is in a math equation.

Estimated bridge closing times per passenger rail: 15-20 minutes

X 32 daily passenger rails
= 8 to 10 hours of total rail closing time

Estimated bridge closing times per freight train: 20-26 minutes

X (conservatively) 15 daily freight trains

= 5 to 6.5 hours of total rail closing time due to freight

Even if some freight trains travel by night, this still totals anywhere from 13 to nearly 17 hours per day in delay time to boat traffic.

The appeal to homebuyers looking at properties west of the rail crossing is greatly diminished. Diminished property appeal leads to drops in property prices, which leads to lower levels of ad valorem collected and available for county services. How much? We asked the property appraiser exactly how many properties would qualify as likely needing to navigate through the rail bridge. Her office identified 3,566 waterfront properties. Again, if you'll please indulge my equation:

3,566 waterfront properties @\$1,660,744,250 in combined 2014 market value - (Conservatively) 5% loss in value = \$83 million in total market loss

This makes for a tremendous hit to the county's ad valorem budget. That leaves policymakers such as yourself with the terrible multiple choice problem of drastically cutting services or spiking property taxes.

In light of all these key considerations, the Realtor Association of Martin County opposes the All Aboard Florida rail service and increased freight train traffic through eastern Martin County and urges the Board of Martin County Commissioners to take strong action against its expansion.

Thank you.

Sincerely,

Dennis L. Fadden

President

Realtors Association of Martin County



November 24, 2014

Mr. John Winkle Federal Railroad Administration 1200 New Jersey Ave, SE, Room W38-311 Washington, D.C. 20590

Dear Sir:

As Mayor of the Town of Orchid, Indian River County, Florida, I am writing this to present the opinion of the Town Council and residents of Orchid, Florida pertaining to the "All Aboard Florida" proposal.

No doubt you have received many letters and much commentary relating to specific areas of concern that the proposed project will have on communities along the rail line from Orlando to Miami. I could go into great detail, but doubt that I would be adding much new to the list, so I see no need to re-state all of them. Suffice it to say that it is our strongly held belief that the impact of dozens of high speed rail trains cutting through the center of Indian River County on a daily basis would be dramatically negative, and would irreparably harm the quality of life for residents of the County.

It is the unanimous opinion of the Orchid Town Council that this project should not be approved, and definitely no public money should be expended in its development. If the Federal Rail Administration feels that a commuter route is of such importance that it is to be approved, then it should be moved inland, perhaps to where current Amtrak lines run, rather than dissecting the heavily populated residential communities along the coast.

In our opinion the current proposal would be an environmental disaster and should be disapproved.

Yours truly.

Harold A. Ofstie, Mayor

Town of Orchid, FL



P.O. Box 1989

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www.pbcgov.com

Palm Beach County Board of County Commissioners

Mary Lou Berger, Vice Mayor Hal R. Valeche

Shelley Vana, Mayor

Paulette Burdick
Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Employer" December 9, 2014

Mr. John Winkle Federal Railroad Administration 1200 New Jersey Avenue, SE Room W38-311 Washington, DC 20590

Dear Mr. Winkle:

As Mayor of Palm Beach County, I would like to express my strong support for All Aboard Florida. The 235-mile system will utilize the existing 100+ year old existing Florida East Coast Railway corridor to connect Central and South Florida, generating billions of dollars in economic impact and resulting in tremendous benefits to the environment.

Florida is poised to welcome more than 100 million visitors this year and projected to become the third most populous state in the nation. We must introduce additional transportation options as more people visit and move to our state. As stated in the Draft Environmental Impact Statement, "The Project would have a beneficial impact on the passenger rail transportation network between Orlando and West Palm Beach (and Miami) by providing potential customers with an alternative means of transportation."

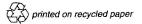
All Aboard Florida will create over 10,000 jobs and generate \$653 million in federal, state, and local tax revenues. Specifically in Palm Beach County, the project will create 952 rail line jobs; \$107 million in labor income; \$297.6 million in total economic impact; and \$30.2 million in federal, state, and local tax revenue.

This project will have many environmental benefits as well. According to the Draft Environmental Impact Statement, there will be "significant reduction in greenhouse gas emissions and fuel consumption" as a result of the project's implementation. All Aboard Florida will also "provide a net regional air quality benefit as compared to the No-Action Alternative."

For all of these reasons and more, I support All Aboard Florida and look forward to the overwhelming benefits our residents, businesses and tourists will reap as a result.

Sincerely,

Shelley Vana













TREASURE COAST LEGISLATIVE DELEGATION

751 SE PORT ST. LUCIE BLVD. PORT ST. LUCIE, FL 34984 (772) 871-7660 FAX: (772) 871-7662

REP. DEBBIE MAYFIELD
CHAIR

REP. GAYLE HARRELL VICE-CHAIR

SENATORS
DENISE GRIMSLEY
DISTRICT 21

JOE NEGRON
DISTRICT 32

THAD ALTMAN
DISTRICT 16

REPRESENTATIVES
GAYLE HARRELL
DISTRICT 83

LARRY LEE, JR.
DISTRICT 84

MARYLYNN MAGAR DISTRICT 82

DEBBIE MAYFIELD DISTRICT 54

> CARY PIGMAN DISTRICT 55

John Winkle, Director Federal Railway Administration 1200 New Jersey Ave, S.E., Room W 38-31 Washington, D.C. 20590

Via email: <u>AAF_comments@vhb.com</u>

Re: Draft Environmental Impact Statement on All Aboard Florida

Dear Sir:

The intent of the Draft Environmental Impact Statement (DEIS) regarding All Aboard Florida's (AAF) proposal to provide intercity passenger rail service between Miami and Orlando is to disclose all environmental effects associated with the project whether they are beneficial or adverse and allow the public to comment on them. Please accept this letter as the combined comments of the undersigned Members of the Legislative Delegations for Martin County, St. Lucie County and Indian River County.

Having read the DEIS, we would like to express our deep concern over the findings of the report. We share the concerns of our fellow citizens of the Treasure Coast as they have expressed them to us individually or corporately through their elected bodies in Resolutions passed by Martin, St. Lucie and Indian River counties, along with the cities of Stuart, Port St. Lucie, Fort Pierce, St. Lucie Village and Vero Beach.

It is evident from the DEIS that the AAF proposal to run 16 round trip, high speed trains from Miami to Orlando concentrates the public benefit in communities where stations are proposed, Miami, Fort Lauderdale, West Palm Beach and Orlando, with virtually no public benefits north of Palm Beach County. We also feel that the DEIS does not adequately address the specific negative impacts AAF would have on the citizens of the Treasure Coast. It minimizes or narrowly touches on the health, safety and traffic operations, economic, fiscal, environmental and quality of life impacts our residents and local governments will experience as a result of the approval of All Aboard Florida. (See attached list.)

The addition of a second track, the straightening of curves and modification of bridges by AAF will also significantly increase the capacity of the Florida East Coast Railroad to transport freight. We have great concerns about the anticipated increase in the number and length of

freight trains that will pass through our communities. The DEIS estimates that the number of trains will increase from 10 to 20 per day by 2019 and the length of each train will increase to over 8,100 feet. The negative impact on vehicular and marine traffic of 52 road and bridge closures per day (20 freight and 32 passenger trains) on our communities will be very significant, especially given the fact that the AAF tracks run through the downtown sections of several cities on the Treasure Coast and cross the St. Lucie River and Loxahatchee River at various locations.

In addition to the above concerns, we question the accuracy of the estimated ridership of approximately 3.5 million passengers per year in 2019 and exceed 4 million by 2030. At a time when most passenger rail in the United States has to be subsidized by government in order to remain operational and has limited ridership, we question the assumption that by 2019 3.5 million visitors or local residents per year will forgo driving or flying between Miami, Ft. Lauderdale or West Palm Beach to Orlando to use AAF.

The undersigned Members of the Martin County, St. Lucie County and Indian River County Delegations respectfully request that prior to approving the All Aboard Florida loan or project you carefully and specifically address the concerns expressed in this letter as well as those presented by local governmental entities and the citizens of the Treasure Coast. Should AAF be unable to ameliorate adequately the specific negative impacts of this project on the citizens of the Treasure Coast, we recommend that the loan be denied and the project rejected.

Thank you for your careful consideration of this very important matter.

Sincerely,

Rep. Gayle Harrell, District 83

Martin and St. Lucie County Delegation

Rep. Mary Lynn Magar, District 82

Martin County Delegation

Rep. Debbie Mayfield, District 54

relieve Mazkeld

St. Lucie and Indian River County Delegation

Sen. Denise Grimsley, District 21

Martin and St. Lucie County Delegation

Rep. Larry Lee, Jr., District 84

St. Lucie County Delegation

Sen. Thad Altman, District 16 Indian River County Delegation

Public Health

According to the DEIS, "the project would have an overall beneficial effect on public health, safety and security in the rail corridor."

We believe this is to be inaccurate regarding the Treasure Coast.

- Fifty two closures a day will have significant negative impact on emergency vehicles, patients and on-call physicians traveling to our communities' hospitals. For patients being transported by ground or water for cardiac, stroke, neurological, OB, or respiratory problems even slight delays in accessing critical services can result in adverse patient outcomes and possibly death.
- There is only one track through downtown Stuart and the plan does not envision the construction of a second track thus eliminating the coordination of simultaneous train crossing to reduce the number of street closures.
- The railroad bridge was constructed in 1894 and frequently takes up to 20 minutes to close. Trains coming from the south must wait for the closure of the bridge to transverse it. This blocks traffic coming from the east to access Martin Memorial Hospital North.
- Fifty two closures a day of these roads will make it very difficult for patients living east of the railroad track to access the services of Martin Memorial Hospital North

Safety and Traffic Operations

According to the DEIS, there are 78 grade crossings on the Treasure Coast. Road closures and traffic delays along major roads will have a significant impact on the following roads:

Indian River County

- Oslo Road at U.S. 1
- Oslo Road at Old Dixie Highway
- East and westbound State Road 60, known as the Twin Pairs

St. Lucie County

- Seaway Drive at Florida East Coast Railroad
- Seaway Drive at U.S. 1
- North Causeway Bridge at Old Dixie Highway

Martin County

- Southeast Indian Street at Florida East Coast Railroad
- Southeast Dixie Highway at Southeast Indian Street
- East Monterey Road at Florida East Coast Railroad
- Monterey Road at Southeast Dixie Highway

According to the DEIS the addition of 32 passenger trains per day would create "some degradation" in the level of service at grade crossings.

We feel that this is a significant understatement of the impact.

- With more than three trains per hour at some locations, a significant percentage of those hours would operate under unacceptable levels of service. This only addresses the addition of 32 passenger trains per day and does not include the anticipated increase in the number and length of freight trains.
- The worst stretches of delays would grow from $2\frac{1}{2}$ minutes to $7\frac{1}{2}$ minutes each peak hour at Oslo Road in Indian River County; from 2 to $6\frac{1}{2}$ minutes at the eastbound and westbound State Road 60 crossings in Vero Beach; and from 2 to $5\frac{1}{2}$ minutes at the Indian Street/Dixie Highway crossing in Stuart. Peak-hour traffic, which now grinds to a standstill 4 minutes of every hour, would hit gridlock for $11\frac{1}{2}$ minutes of every hour.
- Traffic delays for motorists headed east to the barrier island on Seaway Drive and the railroad tracks in Fort Pierce would nearly triple.
- Currently, freight trains can tie up northbound U.S. 1 traffic at least a city block back from Seaway Drive, leaving drivers sitting several minutes in the right lane, waiting for the train to pass.
- There is only one track through downtown Stuart and the plan does not envision the construction of a second track thus eliminating the coordination of simultaneous train crossing to reduce the number of street closures.
- The railroad bridge was constructed in 1894 and frequently takes up to 20 minutes to close. Trains coming from the south must wait for the closure of the bridge to transverse it.
- Most of the other crossings studied also showed anticipated increases in wait times.

Economic impact

We have great concerns about the impact of AAF on the economy of the Treasure Coast.

- Marine industries: The railroad bridge over the St. Lucie River in Martin County was built in 1894 and has a very low clearance. Most boats of any size or with a fishing tower cannot pass under a closed bridge. On a routine day the bridge is down approximately 5-10 minutes for each train traveling through down town Stuart. The impact on the local marine economy in Martin County will be devastating.
- Local businesses and restaurants: AAF tracks run through the heart of the downtown sections of Stuart and Ft. Pierce where many restaurants and business establishments are located. Fifty road closures of road going into the cities will make it difficult to citizens to enter the downtown area and have a significant negative impact on the business and tourist establishments.

Fiscal impact

It is clear from the DEIS that a significant portion of the financial resources needed to provide the upgrades of infrastructure necessary to provide passenger rail service will not be coming from private sources, but will be paid for by a \$1.6 billion federal loan.

• We have grave concerns that AAF will not have the ability to repay a \$1.6 billion federal loan given the questionable estimated ridership.

- It is also evident from testimony of local cities and counties that there will be an addition fiscal impact imposed on the citizens of the Treasure Coast.
- There are a total of 352 rail crossings including 78 grade crossings on the Treasure Coast. Local governments may be required to bear the construction and maintenance costs of upgraded railroad crossings and the costs of installing and maintaining any quiet zones.
- AAF is creating unfunded mandates for cities and counties including the cost of crossing upgrades, quiet zones and increased leases.

Environmental Impact

The reports states, "the project has the potential to adversely affect land use, transportation (particularly traffic at-grade crossings), noise and vibration, water resources, wetlands and floodplains, biological communities, and protected species."

We agree with this statement. However, the report does not address the necessary mitigation measures required to reduce the potential adverse effects.

- The project as proposed would significantly impact the Treasure Coast's endangered environment, including our rivers and the Indian River Lagoon. The state and local county governments have spent billions on efforts to restore them and have great concern about the impact of 52 trains per day crossing these waterways.
- There are also many endangered species living in Jonathan Dickinson State Park which would be impacted.
- The Treasure Coast would not experience the projected air quality improvements and energy consumption improvements since there will be no stops of AAF along the Treasure Coast.

Quality of Life Impact

The DEIS stated that this project would "benefit elderly and handicapped individuals by providing a transportation option that will enhance mobility and livability in their communities," This is not true for the Treasure Coast.

- There will be no local access to the services provided by AAF.
- Riders will have to provide their own transportation to West Palm Beach in order to access AAF's services.

RESOLUTION NO. 2014-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN \mathbf{OF} ORCHID, FLORIDA, URGING ALL POTENTIAL **GOVERNMENTAL AGENCIES** TO REQUIRE ALL ABOARD FLORIDA TO PAY FOR ALL COSTS OF ALL ABOARD FLORIDA, AND THAT ANY GOVERNMENTAL ASSISTANCE SHALL BE PROVIDED AT NO LESS THAN MARKET RATES: URGING THE FRA TO ADDRESS ENVIRONMENTAL CONCERNS IN A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, All Aboard Florida, a subsidiary of Florida East Coast Industries, is proposing to construct and operate a high-speed passenger rail service between Miami and Orlando along the Florida East Coast Railway ("FEC") tracks ("All Aboard Florida Project"); and

WHEREAS, the All Aboard Florida project will run through populated areas of Indian River County including areas in close proximity to the Town of Orchid; and

WHEREAS, at first, such passenger rail service was touted as being provided by a private company, using solely private resources and without government or taxpayer participation; and

WHEREAS, it is now understood that the passenger rail service is being proposed to be funded by a Railroad Rehabilitation and Improvement Financing (RRIF) Program loan of up to potentially \$1.5 billion from the Federal Rail Administration, an agency of the United States federal government; and

Town of Orchid Resolution No. 2014-08 Page 1 of 4 WHERAS, the Town Council of the Town of Orchid further supports the Board of

County Commissioners of Indian River County, Florida, in its identification of a number of

potentially significant environmental impacts that were either not addressed or not adequately

addressed in the Draft Environmental Impact Statement prepared by the Federal Railroad

Administration ("DEIS"), and urges the Federal Railroad Administration to address such issues

in a supplemental DEIS; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE

TOWN OF ORCHID, FLORIDA, THAT:

Section 1. The Town Council of the Town of Orchid hereby respectfully requests that any and

all governmental units and public agencies involved with the All Aboard Florida Project, including

but not limited to the Federal Railroad Administration, any other federal agency, the State of Florida,

the Florida Department of Transportation, and any other state agency, require that All Aboard

Florida pay for all costs of the All Aboard Florida Project, including but not limited to rail stations,

quiet zones, and other rail corridor improvements and maintenance. Further, the Town Council of

the Town of Orchid finds that if any government assistance is provided for All Aboard Florida,

such assistance should be strictly limited to secured loans at no less than market interest rates

because any other public agency assistance, whether by way of loan guarantees or direct funding

of any portion of the project with taxpayer money, puts the financial burden and risk of All

Aboard Florida Project on the backs of the taxpayers and citizens

Section 2. Further, the Town Council of the Town of Orchid supports the Board of County

Commissioners of Indian River County, Florida, in its identification of a number of potentially

significant environmental impacts that were either not addressed or not adequately addressed in

Town of Orchid

the Draft Environmental Impact Statement prepared by the Federal Railroad Administration ("DEIS") and urges the Federal Railroad Administration to address such issues in a supplemental DEIS.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council.

DULY ADOPTED at a Regular Meeting of the Town Council on this 3rd day of December, 2014.

For Against

Mayor Ofstie

ATTEST:

Vice Mayor Hughes

Councilmember Gibbons

Councilmember Thraillkill

Councilmember Webber

Harold A. Ofstie Mayor

Terri Wallace, Town Clerk

Approved as to legal form and sufficiency for

The Town of Orchid only:

Anthony A. Garganese, Town Attorney

Town of Orchid Resolution No. 2014-08 Page 4 of 4 WHEREAS, there are a total of 32 railroad crossings within Indian River County and

352 rail crossings in the region, and local governments will bear the maintenance costs of

upgraded railroad crossings and the costs of installing and maintaining any quiet zones; and

WHEREAS, instead of being a passenger rail service provided by a private company,

using solely private resources, it is now clear that a significant portion of the financial burden of

this passenger rail service is actually going to be borne by the taxpayers through assistance from

the federal, state and local governments; and

WHEREAS, the Town Council of the Town of Orchid implores the Federal Rail

Administration and any other federal agency, and the State of Florida and its agencies, to require

All Aboard Florida to pay for the costs of the All Aboard Florida Project, including quiet zones

and corridor improvements; and

WHEREAS, the Town Council of the Town of Orchid finds that if any government

assistance is provided for All Aboard Florida, such assistance should be strictly limited to

secured loans at no less than market interest rates because any other public agency assistance,

whether by way of loan guarantees or direct funding of any portion of the project with taxpayer

money, again puts the financial burden and risk of All Aboard Florida Project on the backs of the

taxpayers and citizens; and

WHEREAS, the Town Council of the Town of Orchid supports the Board of County

Commissioners of Indian River County, Florida, and the incorporated municipalities therein, in

their respective requests that governmental agencies require All Aboard Florida and Florida East

Coast Industries to pay all costs associated with the All Aboard Florida Projects and its impacts

on local communities; and

Town of Orchid Resolution No. 2014-08

Page 2 of 4



1225 MAIN STREET ~ SEBASTIAN, FL 32958 PHONE 772-388-8203 ~ FAX 772-581-0149

rgillmor@cityofsebastian.org ~ www.cityofsebastian.org

02 December 2014

John Winkle, Transportation Industry Analyst Office of Railroad Policy and Development Federal Railroad Administration 1200 New Jersey Avenue, SE, Room W38-311 Washington, DC 20590

RE: All Aboard Florida

Mr. Winkle:

I write you as the Mayor of the City of Sebastian, Florida. Our City has submitted to the FRA its response to the Draft EIS concerning the above referenced rail project. You should have received that submittal prior to the 03 December 2014 deadline for public comment. I have been asked, by members of our City Council, to submit this letter to the FRA to emphasize our lack of confidence in the process surrounding the All Aboard Florida project. For example:

- 1. The DEIS is incomplete as to inclusion of specific Sebastian issues.
- 2. The DEIS does not adequately address Historical site impacts.
- 3. The strong public opposition to the use of public funding of the project.
- 4. The opposition to the lease agreement between AAF and the Central Florida Expressway Authority.
- 5. The absence of a 'hard money' collateral requirement on AAF as part of a Federal loan guarantee.

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I am including copies of two (2) Resolutions, passed by our City Council and delivered to your office, that convey only part of the public opposition to the Draft EIS and to the project in its entirety. As a public official charged with insuring the safety and welfare of our citizens, I ask that you use your influence to require AAF to adequately respond to the issues of all Florida citizens impacted by the project.

Respectfully submitted; and the respect to the second transfer transfer to the second transfer t

Richard Gillmor, Mayor

RESOLUTION NO. R-14-17

A RESOLUTION OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, SUPPORTING SENATOR THAD ALTMAN'S REQUEST FOR A FLORIDA ATTORNEY GENERAL OPINION CONCERNING CERTAIN PROVISIONS OF THE LEASE AGREEMENT BETWEEN THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY (NOW KNOWN AS THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY) (the 'Authority") AND ALL ABOARD FLORIDA — OPERATIONS LLC ("AAF").

WHEREAS, Florida Senator Thad Altman has petitioned Florida Attorney General Pam Bondi to issue an opinion as to whether certain language of the lease agreement between the Orlando-Orange County Expressway Authority (now known as Central Florida Expressway Authority) and All Aboard Florida — Operations LLC imposes a special "tax" on residents of Brevard and Indian River County (see attached); and

WHEREAS, the lease agreement also imposes an extraordinary review and determination prior to construction of any stops or depots between Orlando International Airport (OIA) and West Palm Beach for the protection of the System Pledged Revenues for the Authority's Amended and Restated Master Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, as follows:

SECTION 1. City Council supports Senator Altman's request for an Attorney General Opinion, and agrees that provisions in the lease agreement between the Authority and AAF which impose additional rent in the event of additional stations for lost revenue by the Authority and extraordinary review and determination prior to construction of any stops or depots between OIA and West Palm Beach are disincentive to include Brevard and Indian River County stations in any future expansion of the high speed rail.

SECTION 2. CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect upon its adoption.

The foregoing Resolution was passed for adoption by Council Member Hill was seconded by Council Member Gillmor and upon, being put to a vote, the vote was as follows:

Mayor Bob McPartlan	aye
Vice Mayor Jim Hill	aye
Council Member Jerome Adams	aye
Council Member Andrea Coy	aye
Council Member Richard Gillmor	aye

The Mayor thereupon declared this Resolution duly passed and adopted this 27th day of August, 2014.

CITY OF SEBASTIAN, FOORIDA

Bob McPartlan, Mayor

Sally A. Maio, MMC - City Clerk

ATTEST:

Approved as to Form and Content for Reliance by the City of Sebastian Only:

Robert A. Ginsburg, City Attorney

RESOLUTION NO. R-14-08

A RESOLUTION OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, REQUESTING THAT THE STATE OF FLORIDA AND THE FEDERAL RAIL ADMINISTRATION REQUIRE ALL ABOARD FLORIDA TO FUND, WITH NO GOVERNMENTAL ASSISTANCE, ALL COSTS RELATED TO THE ALL ABOARD FLORIDA PROJECT, AND TO TAKE ALL NECESSARY STEPS TO PRESERVE AND ENHANCE THE QUALITY OF LIFE FOR VISITORS, RESIDENTS, AND BUSINESSES WITHIN THE CITY OF SEBASTIAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sebastian acknowledges the efforts of Florida East Coast Industries to construct a high speed passenger rail system, called All Aboard Florida, from Miami to Orlando along current and additional FEC tracks; and

WHEREAS, a minimum of five railroad crossings are located in Sebastian; and

WHEREAS, the All Aboard Florida Project will increase railroad traffic and train noise; and

WHEREAS, thousands of people who reside in close proximity to these crossings would be significantly affected by traffic, noise and possible safety aspects of increased railroad traffic; and

WHEREAS, All Aboard Florida trains are proposed to travel in close proximity to the City's designated Historic District, which contains both residential and commercial historical structures, many of which have been restored at great expense, with some listed on the state and/or national historic register; and

WHEREAS, ingress to and egress from Sebastian Highlands to the Community Redevelopment Riverfront District, which the citizens and the government have spent millions of dollars to redevelop, will be severely impacted by increased railroad traffic; and

WHEREAS, the FECI tracks run close to the environmentally sensitive Indian River Lagoon, which is the essence of the Treasure Coast and the most diverse estuary in North America, and reduction in waterfront access due to railroad traffic would significantly reduce economic and recreational opportunities for our community; and

WHEREAS, quiet zones are needed at all affected railroad crossings in order to mitigate the impacts of increased railroad traffic and railroad noise and to protect the health, safety, and the quality of life of all City of Sebastian residents, businesses, and visitors; and

WHEREAS, the preservation of the quality of life of the City will, at the very least, depend on All Aboard Florida improving the rail crossings to maximize safety and minimize noise and disruption; and

WHEREAS, the State of Florida has expressed a commitment to the success of All Aboard Florida, and may not have recognized the potential major disruption that it may bring to the City of Sebastian without direct passenger rail benefits; and

WHEREAS, businesses along the Interstates will lose revenue as a result of redirecting travelers from roadways to railways; and

WHEREAS, the cost of upgrading the infrastructure at crossings to meet maximum safety requirements would be beyond the funding ability of the City of Sebastian; and

WHEREAS, the City of Sebastian requires financial assistance for infrastructure improvements and other road and traffic related construction, to keep our citizens safe, and our jurisdictions solvent.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, FLORIDA, as follows:

<u>Section 1</u>. The City of Sebastian formally requests that any donor agency, including the Federal Rail Administration, other Federal agencies, the State of Florida, and any State agencies, to require All Aboard Florida to privately fund all costs of All Aboard Florida, including all quiet zone/corridor improvements or terminal connections, without any governmental assistance, be it in the form of loans or infrastructure and right-of-way improvements at less than market rates, as such support would put the risk of All Aboard Florida on the backs of taxpayers.

<u>Section 2</u>. The City of Sebastian encourages the State to consider financial assistance to those local businesses that will lose revenue as a result of the shift of travelers away from the roadways to railways if All Aboard Florida is permitted to operate.

<u>Section 3</u>. The City of Sebastian encourages the Governor and State Legislators to do all within their power to urge FECI to explore extending direct benefits of passenger rail service to the City of Sebastian, and explore partnerships from which the area may benefit directly to offset and/or mitigate the impacts if All Aboard Florida is permitted to operate.

<u>Section 4</u>. The City of Sebastian strongly recommends that the Indian River County Metropolitan Planning Organization (MPO) Board convene regularly scheduled meetings with FDOT District 4 and local environmental impact experts to prepare for and respond to the Environmental Impact Study (EIS) draft and final product.

<u>Section 5</u>. The City of Sebastian fully supports and endorses the recommendations and findings contained in the Treasure Coast Regional Planning Council Memorandum, Subject: All Aboard Florida Update, dated March 21, 2014.

The foregoing Resolution was moved for adoption by <u>Vice Mayor Hill</u>, seconded by <u>Cornel Member Gillmor</u>, and upon, being put to a vote, the vote was as follows:

Mayor Bob McPartlan	aye
Vice Mayor Jim Hill	dye
Council Member Jerome Adams	age
Council Member Andrea Coy	dye
Council Member Richard Gillmor	dye

The Mayor thereupon declared this Resolution duly passed and adopted this day

CITY OF SEBASTIAN, FLORIDA

Sally A. Maio MMC City Clerk

ATTEST:

Approved as to Form and Content for Reliance by the City of Sebastian Only:

Robert A. Ginsburg, City Attorney

South Florida Regional Planning Council



December 3, 2014

Mr. John Winkle Federal Railroad Administration 1200 New Jersey Avenue SE Room W38-311 Washington, D.C. 20590

RE: All Aboard Florida Intercity Passenger Rail Project Draft Environmental Impact Statement and Section 4 (f) Evaluation

Dear Mr. Winkle:

Please find attached the comments of the South Florida Regional Planning Council (SFRPC) on the Subject DEIS. These comments were adopted by the SFRPC's Executive Committee at their publically noticed meeting of December 1, 2014.

Please feel free to contact me if you have any questions.

Regards,

James F. Murley Executive Director

JFM/rhn

Attachment



MEMORANDUM

AGENDA ITEM #III.C.1

DATE:

DECEMBER 1, 2014

TO:

COUNCIL MEMBERS

FROM:

STAFF

SUBJECT:

ALL ABOARD FLORIDA INTERCITY PASSENGER RAIL PROJECT DRAFT

ENVIRONMENTAL IMPACT STATEMENT (DEIS) AND SECTION 4(f) EVALUATION

(IGR #14-0918)

The US Department of Transportation Federal Railway Administration (FRA) has undertaken this environmental review because All Aboard Florida LLC (AAF) is proposing to construct and operate an intercity passenger rail between Miami and Orlando, Florida. FRA is undertaking the review because AAF has applied for \$1.6 billion in federal financial assistance (loans and loan guarantees) from the Railway Rehabilitation and Improvement Financing program. Media reports indicate that AAF is also considering alternative private financing mechanisms.

AAF proposes to implement the project through a phased approach. Phase I would provide rail service from Miami to West Palm Beach while Phase II would extend service to Orlando. Phase I has already been approved by the FRA through an environmental review in 2012/13 and AAF is proceeding to construction stations in Miami and Fort Lauderdale. Given operations will cover the full corridor from Miami to Orlando this Phase II DEIS analyzes the cumulative effects of completing both phases of the project.

General Comments

The proposed Intercity Passenger Rail Project can be consistent with and further the following plans and policies of the South Florida Regional Planning Council, if actions are taken in the Final Environmental Impact Statement (FEIS) to address specific impacts.

Comprehensive Economic Development Strategy (CEDS) for South Florida (2012-17)

Action Plans for the Region
 Promote a Southeast Florida intermodal transportation plan connecting activity centers, airports, sea ports, rail, managed highway lanes, dedicated bus lanes, pedestrian and bicycle pathways.

Under the CED's Infrastructure and Growth Leadership Pillar the Plan states:

 Support the implementation of All Aboard Florida, inter regional, passenger service between Miami and Orlando.

The Seven50 Regional Prosperity Plan prepared by the South Florida and the Treasure Coast Regional Planning Councils with support of a grant from the U.S. Department of Housing and Urban Development Sustainable Communities Program. The Plan calls for regional cooperation on all levels of transportation. During the Seven50 Planning process state and regional planning organizations worked with Florida East Coast Industries to explore options for reintroducing commuter and express passenger rail service on the FEC Rail Corridor

Strategic Regional Policy Plan of South Florida

- Goal 8: Enhance the Regions mobility,, efficiency, safety, quality of life and economic health through improvements to road, ports, and public transportation infrastructure.
- Policy 8.8 Ensure the safety of the transportation system by implementing measures to reduce vehicle, pedestrian and bicycle crashes and increase the safety of commercial vehicle operations.
- Goal 9.7 Assess impacts of global climate change and sea-level rise in South Florida's resources and land uses.
- Goal 17 Maintain a competitive diversified and sustainable regional economy.
- Policy 17.10 Protect marine related industries through innovative comprehensive planning and zoning regulations that provide incentives such as mixed use in areas that can sustain both residential and non-residential water dependent use.
- Goal 18 Ensure regional coordination, preparation, and response to emergencies.
- Policy 18.8 Public agencies and private businesses should develop continuity plans in order to safely resume and maintain operations to the maximum extent possible following an emergency.

The proposed Phase II DEIS, supplementing the 2012 Environmental Assessment, substantially addresses any negative impacts caused by the project in Miami-Dade and Broward Counties. Our Region will gain access to new passenger service while benefitting from improved mobility, air quality, economic expansion and job creation. However, during the Public Information Meetings on the project conducted by FRA, and additional meeting conducted by the US Coast Guard, issues have been raised by representatives of the marine industry in South Florida about the projects' impacts to the marine industry west of the New River rail bridge in Fort Lauderdale.

Specific Impacts

While adopted policy of the SFRPC supports implementation of proposed Intercity service, specific impacts from the passenger service, in conjunction with increased freight traffic, have been identified to the built and natural environments of Miami-Dade and Broward Counties and the remainder of the proposed Intercity Corridor.

1. Land Use and Transportation

Comments provided by Miami-Dade Transit (Attachment 1) indicate AAF Miami Station is located in the Rapid Transit Zone and downtown Intermodal Terminal Area. The co-location provides an opportunity to develop a state-of-the-art Downtown Intermodal Terminal area that will integrate all forms of mobility. Broward County's comments (Attachment II) references several deficiencies in the DEIS concerning inadequate assessment of direct, secondary and cumulative impacts of the proposed project on existing traffic circulation especially the proposed crossing closure of SW 2nd Street. Extensive comments by the TCRPC for areas in the northern Counties need to be addressed in order to ensure an interconnected intercity service where benefits are shared and impacts addressed (see TCRPC Agenda Item 9, November 21, 2014).

Recommendation

The FRA, in cooperation with the Federal Transit Administration (FTA) should utilize the existing TriRail Coastal Link Steering Committee, created to coordinate the introduction of regional premium transit on the FEC corridor, to coordinate the mitigation measures needed to address the impacts identified as part of the DEIS. AAF should become active participants in the Steering Committee.

2. Marine Navigation

The marine industry is a major economic source in South Florida. A recent economic study by the Marine Industries Association of South Florida (MIASF) indicates the following statistics:

- 136,465 jobs regional
- Over \$11.5 billion in gross output
- Nearly \$4.1 billion on wages

The MIASF (Attachment III) and a "Coalition of Concerned Fort Lauderdale Area Property Owners, Boaters and Directly Affected Maine Industry Businesses" (Attachment IV) are concerned that critical operation of the rail bridge at the New River will create significant negative impacts to recreational vessel repair facilities up river of the New River rail bridge used by AAF. The industry has requested that the New River Bridge remain open 40 minutes of each hour throughout each day. Resolving operational uses around the New River Bridge area and other bridge openings along the entire corridor must be addressed in the FEIS.

Recommendation

An updated marine navigation of study should be conducted utilizing the most up to date data. The FEIS should update data describing the economic benefit of marine industries in South Florida. Operational measures to mitigate impacts should not jeopardize the viability and the projected growth of the industry. Consideration should be given to using an ongoing coordination mechanism to address future bridge operations and improvements. The Miami River Commission serves that purpose in coordinating the replacement of bascular road bridges and their operations during peak hour traffic in downtown Miami.

Climate Change Adaptation

South Florida is highly vulnerable area to the impacts of rising seas from high tides, storm surge and sea level rise. These events dramatically increase normal impacts created by precipitation events. Broward County has identified area of concern regarding data on flood plain maps used in the DEIS. The County

adopted new flood plain maps on August 18, 2014. The County also recommends better documentation of how future operations and rail improvements will adjust to sea level rise.

Recommendation

The FEIS should reflect the most recent data in flood elevations. The FRA should request that AAF maintain continuous coordination with the Southeast Florida Regional Climate Change Compact to insure future use of best available data

4. Public Safety

The introduction of 32 high speed trains, coupled with increased freight traffic, poses significant impacts to public safety. Both Broward County and Treasure Coast Regional Planning Council raise significant issues concerning data used in the DEIS for traffic movements and safety improvements. Specific comments raise concerns about emergency response and care facilities. Former SFRPC member (then Broward County Commissioner Suzanne Gunzburger) identified the issue of train traffic delaying access to emergency and trauma care facilities.

Recommendation

The FEIS should include an emergency response analysis, including a detailed analysis of impacts on emergency vehicle trips, route data, access to hospitals and critical infrastructure and key roadways and intersections to maintain timely emergency response. The FRA should consider using the three Local Emergency Planning Committees for Regions 11, 10, and 6 has a venue for resolving potential impacts from increased rail operation.

RECOMMENDATION

The Council should approve attached report and authorize transmittal to the Federal Railroad Administration.

Attachments

Memorandum MIAMI DADE

Date:

November 20, 2014

To:

Jack Osterholt

Deputy Mayor

Director, Regulatory and Economic Resources Department

From:

Albert Hernandez, P.E.

Assistant Director Miami-Dade Transit

Subject:

All Aboard Florida - Draft Edvironmental Impact Statement and Section 4(f) Evaluation

All Aboard Florida – Operations LLC (AAF) is proposing to construct and operate a privately owned and operated intercity passenger railroad system that will connect Orlando and Miami, with intermediate stops in Fort Lauderdale and West Palm Beach, Florida. AAF has applied for \$1.6.billion in federal funds through the Railroad Rehabilitation and Improvement Financing (RRIF) program. Because AAF has applied for a loan under Federal Rail Road Administration's (FRA) RRIF program, FRA is required under the National Environmental Policy Act (NEPA) to conduct an analysis of the potential environmental impacts resulting from the Project. NEPA compliance is a prerequisite for RRIF approval, and FRA will not approve the Project for a RRIF loan until the NEPA process is complete. A RRIF loan, if approved, would be part of an overall capital structure put in place by AAF to finance the infrastructure improvements.

AAF proposes to implement the Project through a phased approach. Phase I would provide rail service on the West Palm Beach to Miami section while Phase II would extend service to Orlando. Phase I would provide passenger rail service along the 66.5 miles of the Florida East Coast Railroad (FECR) Corridor connecting West Palm Beach, Fort Lauderdale, and Miami. AAF has obtained private financing for Phase I and is proceeding to implement Phase I. FRA and AAF conducted an environmental review of Phase I in 2012/2013, Including preparing and issuing both an Environmental Assessment (EA) (Environmental Assessment and Section 4(f) Evaluation for the All Aboard Florida Passenger Rail Project West Palm Beach to Miami, Florida) and a Finding of No Significant Impact (FONSI) (AAF 2012; FRA 2013a).

The Miami-Dade County portion of the AAF project site is located within the Rapid Transit Zone and the Downtown Intermodal Terminal Area, (i.e., Historic Overtown/Lyric Theater (OTV) and Government Center Metrorall stations, the Wilkie D. Ferguson, Jr. and the Government Center Metromover stations and the Central Business District (CBD) Downtown Miami Bus Terminal) and will connect to existing local MDT transit hubs/systems. Miami-Dade Transit (MDT) is pleased to welcome AAF to the Downtown Intermodal Terminal Area and seeks to fully integrate the two transit systems for a state-of-the-art Downtown intermodal Station featuring a smooth and seamless travel experience for all transit riders. MDT believes that the full integration of AAF intercity passenger rail service and the MDT system is key to the success of the rider experience for all passengers and will have a transformational effect on Downtown Miami, South Florida and the State of Florida. Miami-Dade Transit has been coordinating with the AAF project team since 2012 in order to ensure the proposed AAF Miami Station is fully integrated into both existing and future transit, pedestrian, and bicycle networks within the Downtown Intermodal Terminal Area.

Miami-Dade Transit looks forward to continuing to work with AAF to develop a plan for an integrated passenger rall service in the South Florida Region.

c: Ysela Llort, Director
Jim Murley, Executive Director, South Florida Regional Planning Council

The Board of County Commissioners of Broward County, Florida

Public Comments on the Draft Environmental Impact Statement for the All Aboard Florida, Orlando to Miami, Intercity Passenger Rail Project

Mr. John Winkle, Federal Railroad Administration 1200 New Jersey Avenue, SE Room W38-311 Washington, DC 20590

The Board of County Commissioners of Broward County, Florida ("Board"), respectfully submits these comments to the Federal Railroad Administration ("FRA") with regard to the Draft Environmental Impact Statement ("DEIS") for the proposed All Aboard Florida, Orlando to Miami, Intercity Passenger Rail Project ("AAF Project"). The Project sponsor has applied for 1.875 billion dollars in federal funds through the Railroad Rehabilitation and Improvement Financing ("RRIF") program administered by the FRA. Potential expenditure of these federal funds characterizes the Project as a "major federal action under the National Environmental Policy Act of 1969, 42 United States Code ("U.S.C.") Section 4321, et seq., ("NEPA") and applicable regulations adopted by the Council on Environmental Quality ("CEQ") and the FRA.

NEPA and the CEQ regulations impose obligations on the FRA to evaluate the Project's environmental consequences and to produce a detailed statement that discloses and assess, to the fullest extent possible: the environmental impacts of the Project; any adverse environmental impacts which cannot be avoided if the Project is implemented; alternatives to the Project; the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and any irreversible and irretrievable commitments of resources which would be involved if the Project is implemented. See 42 U.S.C. Section 4332 and 40 C.F.R. Section 1502.1. In producing this detailed statement, the FRA is also required to consult with and obtain the comments of federal, state, and local agencies, as well as the public. Id. Accordingly, these comments on the DEIS are those of a local governmental agency affected by and entitled to provide comments on the DEIS that the FRA should consider in fulfilling its consultation requirement before it takes action on the Project.

The DEIS is also intended to satisfy two related requirements for consideration the impacts of federal agency actions on historic resources and certain public lands; Section 106 of the

National Historic Preservation Act ("Section 106"); and 49 U.S.C. Section 303(c) and 23 Code of Federal Regulations ("C.F.R.") Section 774 (known as a "Section 4(f) Evaluation" from its promulgation as Section 4(f) of the Department of Transportation Act of 1966, Public Law 89-670).

GENERAL COMMENTS

The Broward County Board of County Commissioners has expressed general enthusiasm for a commuter rail project and its potential benefits for citizens and the region's continued economic development; however, the size of this project has unclear impacts to the built and natural environments—the effects of which will not be known or felt until the project is completed.

Broward County's staff and legal department have engaged in ongoing dialogue with All Aboard Florida/Florida East Coast Railway (FECR) about this project and will continue doing so. We have described through a series of in-person meetings and documents, that the County does not feel that an EIS "finding of no significant impact" is appropriate or reflective of the impacts to the built and natural environment that the region will experience should this project be approved. Broward County is home to 1.8 million residents, 13.4 million domestic and international visitors, annually, one of the largest seaports in the nation, a bustling, recently expanded international airport, and is confined by the Atlantic Ocean to the east and the Everglades Conservation area to the west. As such, projects of All Aboard Florida's magnitude must be viewed comprehensively: including, but not limited to, impacts on traffic patterns, public safety and emergency response, the marine industry, aged infrastructure, and the natural environment.

QUIET ZONES, PUBLIC SAFETY AT CROSSING AND ALONG CORRIDOR

Quiet Zones are an integral component of the project. It is our understanding that All Aboard Florida, using both their own funds, and supplemental dollars provided by the Broward Metropolitan Planning Organization, will be constructing a series of railroad crossing safety improvements, sufficient to implement a continuous quite zone throughout Broward County. The process for approving a Quiet Zone does not require that each individual roadway crossing within the Quiet Zone receive safety upgrades, but simply that safety measures be installed to

reduce the hazard probability to a certain level for the entire Quiet Zone. Therefore, it is important to note that safety improvements are not being installed at each existing railroad crossing. Due to the significant increase in the number of trains operating in an urban corridor, we_believe All Aboard Florida should commit to providing a higher level of safety infrastructure than the minimum required for only establishing the Quiet Zone. Furthermore, All Aboard Florida should perform a hazard analysis to determine the level of mitigation that is required or appropriate.

From a policy perspective, local governments and tax payers should not have to pay for such improvements. We understand that AAF does not believe they are required to fund quiet zones. However, the laying of additional track is a decision by private development and a private company's financial interests. The railroad experiences a *significant benefit* in reduced liability when quiet zones are put in place. As such, just as the railroad invests in property and technology for the benefit of the railroad, **it should invest in the safety and comfort of impacted residents.** Safety and noise concerns can be mitigated by well-

In addition to the issue of Quiet Zones, the County is concerned about corridor safety in a broader sense, not just at the roadway crossings, but along the entire corridor as a whole. Unlike the Tri-Rail corridor which is buffered to a large degree by vacant right-of-way, the AAF corridor will travel along highly-urbanized and well-developed business, industrial and residential areas. Because of this, there is a much higher potential for vehicular, pedestrian and bicycle conflicts along this corridor, not just at the crossing points, but along much of the railroad corridor itself. During the field safety audit that took place several months ago, children were actually identified playing on the tracks and within the railroad right-of-way. Many crossings are also situated within downtown activity centers with high amounts of pedestrians and bicyclists. As we all know, the proposed commuter train will operate more frequently and at much higher speeds than the current freight service, and All Aboard Florida must work closely with all local governments to develop and fund measures for all aspects of safety along the corridor in addition to safety features at the roadway crossing points.

Continuing with safety, the types of technologies that are needed for locating the commuter train along its route; detecting its approach to specific crossings; and detecting track obstacles, hazards and other types of intrusions along the railway corridor must be made collaboratively with the local governments that may ultimately contribute to their capital and maintenance

costs. It is important that these systems be developed to be adaptable and compatible with atgrade flashing warning systems and traffic signal communication systems.

INADEQUATE ASSESSMENT OF DIRECT, SECONDARY AND CUMULATIVE TRAFFIC IMPACTS

Although the actual schedules are not yet known, an estimated, 32 passenger trains a day will be running along the FEC tracks in Broward County. On average, traffic along each corridor will be stopped about stopped about three times per hour at each location. In addition to the actual time that the railroad crossing arms are down to allow the train to pass, it takes approximately eight minutes on average for the nearby traffic signals to adjust and resynchronize themselves to the state prior to the train's arrival; and it may take several more minutes for the traffic to actually begin operating in a synchronized fashion. With three crossings per hour, traffic in the downtown areas will be significantly impacted for about fifty-percent of each rush-hour period. Based on our review of the transportation impact documents submitted on behalf of the project, it appears that the direct and secondary impacts on the surrounding transportation network were not adequately evaluated.

Under NEPA the Federal Railroad Administration (FRA) is obligated to examine not only the direct and immediate impacts of the proposed project, but also secondary and cumulative impacts, in combination with those of other reasonably foreseeable actions, activities or developments. It is clear that the total transportation analysis performed for the Broward County AAF crossings fails to not only address the immediate and direct transportation impacts in a comprehensive manner, but also completely ignores secondary and cumulative impacts. Moreover, the overall transportation analysis is unsupported by adequate traffic characteristics data or actual simulation modeling.

Following are some of the general deficiencies in the analysis:

- The number of intersection crossing points analyzed was inadequate relative to the total number of crossings throughout the county
- Only the PM peak hour was analyzed
- Only the immediate east/west roadway segment was analyzed; there was no further evaluation of adjacent north/south roadway segments or intersections
- Train crossing times were likely underestimated based on assuming maximum train operating speeds through the crossings

- There was little or no analytical distinction made between freight train and passenger train operations, although the two operate with distinctly different characteristics
- The traffic analysis does not follow any professionally-accepted rationale or methodology for assessing traffic impacts
- The comparative analysis is highly flawed; the impacts of normal traffic conditions with freight movements (baseline) should have been compared against normal traffic conditions with freight movements, plus passenger train operations. The analysis used a "weighted average" approach that misrepresented the actual incremental impacts of the additional passenger service
- There is no discussion explaining what the tabular analysis results actually mean in terms of real traffic impacts.

To further illustrate, the traffic analysis performed for all of Broward County includes only two locations: Hillsboro Boulevard and Broward Boulevard, and only one time-of-day analysis period (PM peak). The analysis performed assumes one freight train crossing and one passenger train crossing during the pm peak hour. The level-of-service methodology assumes no delay occurs for 53 signal cycles during each hour (which in itself is highly inaccurate as the average cycle length is 160 seconds, or 22.5 cycles per hour), and then assumes one signal cycle of freight train delay and one cycle of passenger train delay. The overall delay impact is calculated by arithmetically weighting the one freight-train delay value with the one passenger-train delay value applied against 53 cycles of zero delay.

This is a meaningless analysis relative to how actual signal operations works in conjunction with railroad crossings. The starting normal level-of-service (LOS) at either of these two crossings during the pm peak is actually closer to LOS E, not LOS A. With each railroad crossing, the baseline initial delay of LOS E degrades to a severe LOS F during the train crossing interval and the adjacent traffic signals dwell in pre-emption and become unsynchronized. As these signals become unsynchronized, secondary delays propagate further downstream to other intersections and roadway segments in all directions, expanding the LOS F condition. When the train finally departs the crossing, and the traffic signals exit out of their pre-emption state, they are still unsynchronized, and must transition back into a synchronized state with the other nearby traffic signals. This transition period typically requires three to four signal cycles, or approximately eight to eleven minutes. During this transition period, the level-of-service remains at LOS F, as

does the downstream segments. Only after the full transition period when all the signals are resynchronized, does the system start to recover back to its original level-of-service, which was LOS E (not LOS A). It may take an additional two cycles for the initial LOS to be re-established throughout the adjacent network. Therefore, one train crossing does not result in one cycle of LOS F conditions, but more likely 16-19 minutes of LOS F conditions; two crossings per hour would result in 32-38 minutes of LOS F conditions. *This is a significant impact*, the scale of which will occur not just at these two locations, but at all other arterial crossings along the FEC corridor.

Interruptions will have real, quantifiable impacts in terms of delays, longer commute times, lost labor production hours, longer emergency response times, *increased carbon emissions*¹, and higher fuel costs. These cumulative impacts have not been properly identified or quantified in the environmental impact document, but they represent a significant impact to the environment and economy. Appropriately comprehensive studies and analyses must be included in the final environmental documents. In addition, strategies, additional funding, and resources to mitigate these concerns, must also be addressed.

NO ASSESSMENT PROVIDED FOR THE PROPOSED CROSSING CLOSURE AT SW 2 STREET (FORT LAUDERDALE)

The EIS documents do not address one of the most potentially significant transportation impacts in Broward County, which is the closure of SW 2 Street crossing in downtown Fort Lauderdale. This segment of SW 2 Street is an important east/west collector roadway that helps reduce the severity and duration of peak hour traffic congestion on Broward Boulevard by providing a parallel east/west route for trips in and out of the downtown. In addition to providing supplemental capacity for commuters, it is a secondary route for emergency vehicles and a potential alternate route for evacuating the downtown in the event of a major incident. The SW/SE 2 Street corridor is also expected to be heavily relied upon to accommodate future traffic as the downtown urban core further develops. With this crossing closed, more trips will be diverted to the already over-capacity segments of SE 3 Avenue and Andrews Avenue in order to access Broward Boulevard.

¹ The EIS findings indicate that the project will be in furtherance of Broward County's air quality goals and reduce airborne pollutants by reducing emissions and greenhouse gases related to vehicles.

Of additional concern is the impact such a closure would have on the Broward County Governmental Center East's operations and access to parking for the hundreds of employees and the public (the Governmental Center's public parking facility is located adjacent to, but the east of, the SW 2nd Street crossing). No analysis of the potential deleterious impacts to the economic viability of the Himmarshee Village and Arts District was presented. The Broward Center for Performing Arts, Museum of Discovery and Science, as well as numerous restaurants and businesses are located to the west of the SW 2nd Street crossing, but heavily dependent upon patrons' access to the public parking garage to the east of the SW 2nd Street Crossing. Further, in numerous meetings and discussions of the project with All Aboard Florida and the City of Fort Lauderdale there was no indication that such a closure was contemplated.

It is therefore imperative that more studies be undertaken to carefully evaluate the potential traffic, socioeconomic, and public safety impacts associated with this closure.

FLORIDA EAST COAST RAILWAY LICENSING AGREEMENTS

Currently, the at-grade roadway crossing agreements between FEC and Broward County require all or a substantial portion of capital and maintenance costs associated with the crossing be paid by taxpayer dollars, and not the railroad. Agreements with other governmental jurisdictions along the corridor have been reviewed and typically include taxpayer dollars paying for 50% of the railroad's flashing warning systems in immediate proximity to the tracks, as well as all inspection costs incurred by railroad. With the increase in capital investment and new equipment associated with the double-tracking required for All Aboard Florida, the level of inspection and maintenance costs to be paid by the taxpayers will also increase significantly. Agreements between governments and All Aboard Florida must be restructured to make these inspection and maintenance costs more equitable for the general taxpayers.

ADDITIONAL TRAFFIC SYSTEM MAINTENANCE COSTS

The double-tracking to allow for increase in the speed and frequency of train crossings will introduce new geometric conditions and operational scenarios that did not exist previously. All Aboard Florida is only planning to address its flashing warning equipment and any impacted traffic signals as part of its *initial* double-tracking reconstruction. After construction, Broward

County will be required to maintain traffic control signing and pavement marking associated with the new configuration, or any additional traffic signal modifications, adjustments or maintenance that may be required. Under the current maintenance agreement, all of these maintenance and operational components are 100% the responsibility of Broward County, thus paid with taxpayer dollars. We believe that these agreements must be restructured to equitably distribute continuing maintenance costs.

<u>Adaptation</u>

Furthermore, the project should better document how it accounts for adaptation that will be required as a result of sea level rise. This is significant to local governments which have agreements with Florida East Coast Rail. Specifically, Broward County has agreements with FECR requiring that taxpayers pay for capital and maintenance on areas of the track that intersect with county roadways—meaning every time new track needs to be laid or equipment adjustments are needed to accommodate environmental mitigations—*taxpayers are on the hook.* Double-tracking and initiating passenger rail service on the FEC corridor adds unexpected financial burdens on local governments. As costs related to upgrading and maintaining the rail line escalates, government is required to weigh other county priorities against railroad contractual obligations entered into many decades ago, under completely different circumstances.

<u>Bridaes</u>

Broward County has been contacted by concerned members of the marine industry since the project's inception. Bridge crossings, especially at the New River, must be upgraded and maintained to ensure (1) the least impact to boaters and (2) safety of residents.

Emergency Response and Facilities

Then-Commissioner Suzanne Gunzburger, Hollywood (District 6) submitted a formal request for specifics related to public safety and emergency response which is included in the Finding of No Significant Impact (FONSI), page 34. The response does not address the question sufficiently; we would respectfully request that All Aboard Florida explain how it plans to mitigate impacts to emergency responders and personal vehicles seeking access to trauma and emergency services. The original question posed was, "With only at-grade crossings throughout Broward County, the frequency of those crossings being closed to vehicles. . . for train traffic will surely delay timely access to trauma and emergency care."

Environmental Concerns

The FONSI indicates that the project will be in furtherance of Broward County's air quality goals and reduce airborne pollutants by reducing emissions and greenhouse gases related to vehicles. Has there been an air quality/engineering study to demonstrate the asserted positive impacts to air pollution? What offsets exist resulting from increased traffic congestion and vehicular idling at railroad crossings as a result of the project?

What mitigations are expected for the wetlands identified at milepost 338.5 in Broward County at the South Fork, New River?

While the FONSI assumes there will be no Public Health and Safety impacts (Section K, 27-42), on what evidence was this findings based? No traffic modeling was completed. Contamination risk would is always a concern along a rail corridor and is likely; the idea that there would be "no" or "very low" potential for contamination impacts is inaccurate and does not conform to typical engineering assumptions. Site location data provided was "limited"; more substantial data is required prior to asserting a "low risk". Affected sites and sampling should have been more widespread.

With respect to Construction Impacts, the explanation provided that "all construction impacts cannot be estimated at this time" does not accurately reflect what could have been placed into consideration had stakeholders been engaged. The vertical height and slope of the tracks will be altered; significant impact on the vertical grade is expected; drainage impacts should be significant; longer transition sections/slopes of the pavement to connect into the existing elevations. Is dewatering required? If there is, we must approve, based on an engineering plan specific to contamination.

Floodplain Maps

The County adopted floodplain maps on August 18, 2014. Such maps were not used to develop the Draft EIS and they show several areas of the All Aboard Florida project, specifically within Fort Lauderdale, to now be within a floodplain. We would respectfully request an amendment to reflect the appropriate flood maps and also document the plan for mitigating flooding risk. What are the mitigating strategies for the current flood plain map with respect to infrastructure

upgrades and construction? How will an adverse condition affect the surrounding area, specifically home owners and traffic flow?

Hazardous Waste

Trains carrying hazardous materials must be immediately removed from the tracks if, for any reason, there is a malfunction or breakdown. Local communities have extensive emergency management responsibilities; and to date, we are unaware of any coordination with affected local governments regarding transportation of hazardous wastes along the corridor.

Parking

The proposed project does not adequately address parking demands for the Fort Lauderdale Station and asserts that the municipalities consulted felt existing parking was adequate to meet the demands of both retail and rail passengers. Broward County strongly disagrees, especially in light of the revelation that access to the public parking garage directly across Broward Boulevard from the Fort Lauderdale Station may be severely hampered by the closure of the street acting as its entrance (SW 2nd Street). The FONSI identifies parking projections on page 25; however, there is no mention of how these figures were produced and what assumptions were used for ridership. Further, the County would like to be consulted prior to the final EIS with respect to the parking needs analysis.

Preliminary Hazard Analysis

Elements of the Draft EIS make reference to risk and hazard assessments that appear to have originated from a hazard analysis document. Was a formal Preliminary Hazard Analysis completed? If so, has it been available to the public? If not, a copy of such analysis should be disseminated to stakeholders prior to project approval.

SECTION 106 AND SECTION 4(F) REVIEW

The DEIS does not meet the requirements of a Section 106 consultation, as the Board and Broward County staff were not invited to participate in the development of its description of impacts on historic resources within Broward County. The purpose of Section 106 consultation is for Federal agencies to consider the effects of the Project on historic sites that are on, or eligible for, the National Register of Historic Places (NRHP). The DEIS does not meet the requirements of a Section 4(f) review of the Project as it does not: (1) provide sufficient

information to ensure that the Project avoids the use of historic sites, (2) describe the evaluation of prudent and feasible alternatives to avoid such a use, or (3) explain how the Project and the FRA have used all possible planning tools to minimize harm to historic sites.

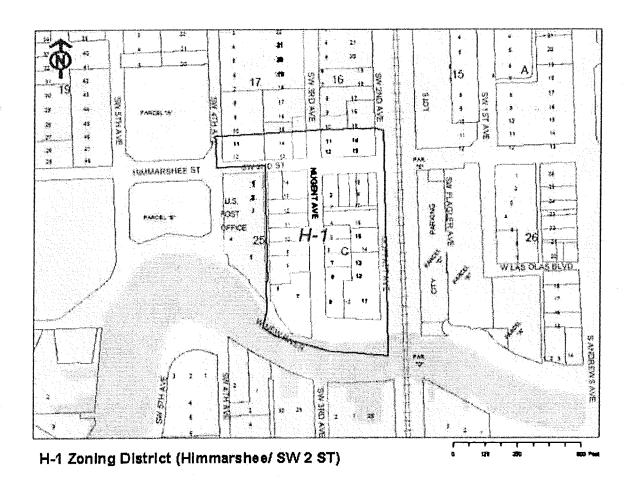
For general reference, Broward County has an historic preservation and archaeological ordinance, professional staff dedicated to historic preservation and an appointed historic preservation board nominated by the Board of County Commissioners. Broward County recently completed a state cultural resource/historic preservation project, funded by the State of Florida to fully identify, document, catalogue and map a wide variety of cultural and archaeological resources throughout the County. The County has demonstrated a significant interest in, and commitment to, the preservation of historic resources and should have been consulted prior to the publication of the Draft EIS with respect to potential regional impacts.

As previously mentioned, the Project is adjacent to, and will impact use of and access to, the Himmarshee Street/SW 2nd Avenue Historic District (H-1) within Fort Lauderdale, Florida, which includes NRHP designated sites such as the New River Inn². Overall, the Himmarshee Historic District is the oldest section of the commercial downtown in Fort Lauderdale. It includes early 20th century businesses located along the north and south sides of Himmarshee Street. The district is bounded on the east by the railroad tracks, the New River on the south, and the west side of Nugent Avenue and portions of the north side of SW 2nd Street. There are about seventeen (17) properties in the vicinity, including the Fort Lauderdale Historical Society in the Hoch Heritage Center, the Philemon Bryan House, the King-Cromartie House and the restored New River Inn (previously-identified) which operates as an historical museum. In addition, the historic Bryant Homes operated as the River House Restaurant and is a site of great interest to the City of Fort Lauderdale in redevelopment efforts. A replica of the first Fort Lauderdale school house has also been reconstructed within the district.3 A map of the Historic District shows its immediate proximity to the Project, below. Taken together, the FRA and All Aboard Florida should pursue consultation with local governments on historic site and use impacts, and include sufficient information to ensure that the Project avoids the use of historic sites, describes the evaluation of prudent and feasible alternatives to avoid such a use, or describes

² Located at 231 SW 2nd Avenue, Fort Lauderdale, Florida

³ See City of Fort Lauderdale Planning and Zoning Department report on historic resources, January 2009, last accessed November 24, 2014, at http://www.fortlauderdale.gov/home/showdocument?id=222.

how the Project and the FRA have used all possible planning tools to minimize harm to historic sites to better comply with Section 106 and Section 4(f) review requirements.



Page 12



Marine Industry Concerns on AAF Draft EIS Must be Addressed

Issue: The Federal Railroad Administration's recently released Draft Environmental Impact Statement on the All Aboard Florida project (https://www.fra.dot.gov/Page/P0672) has understated the impact of bridge closures on the marine traffic on affected waterways and needs to be revised to address those concerns.

Overview: The marine industry is concerned directly regarding the opening and closure schedules of the bridges that cross three of the region's rivers, the New River in downtown Fort Lauderdale; the Loxahatchee River in Jupiter; and the St. Lucie River, Okeechobee Waterway, in Stuart.

Economics of South Florida: The marine industry is the backbone of the South Florida economy (tri-county area comprised of Broward, Dade, and Palm Beach counties) and a significant sector of Florida's economy. It represents:

- 136,465 jobs regionally in marine businesses.
- Over \$11.5 billion in gross output
- Nearly \$4.1 billion in wages and earnings.
- 75% of South Florida's recreational vessel repair facilities are upstream from the bridges to be used by AAF.
- Needless to say changes in bridge closures from current practice will directly affect the users of the waterways by making the channels under each bridge less available for vessel traffic. In essence the new operational schedule of the All Aboard Florida train will change the bridge operations by increasing the number of closures of the bridges and, consequently, the increased of the number of closures will result in a decrease in the time that a bridge will be open for this important industry. Thus, the Association is concerned that the waterways on which our membership and their customers rely will be less available to the detriment of this vital and growing industry.

Bridge Closure Impacts: The following factors can only be detrimental to the economics of this vital marine industry:

- Changes in bridge closures from current practice will directly affect
 the users of the waterways by making the channels under each bridge
 less available for vessel traffic; i.e., increasing the number of closures
 and, consequently, a decrease in the time that a bridge will be open for
 this important industry.
- Additional closures may result in bridge malfunctions that would result in extended closures and business disruption.
- Train schedule or operational disruptions may disrupt planned closures in an unpredictable.
 - o Recently there have been numerous closures that were extensive and unscheduled causing serious disruptions in marine traffic on the affected waterways.

Specific Industry Concerns: Specific concerns of the industry regarding the effect of the increased rail traffic on our industry include:

- Increased closure time. We understood the goal was to keep the bridges in the open position a minimum of 40 minutes per hour. Now the proposed train schedule will keep it open only 30 minutes.
- Disruption of vessel traffic.
- Incompatibility with tide changes.
- Bridge failures and time of repair.
- Mobility of the industry and potential for stranded assets.
- Train schedule changes and resultant disruption to bridge closure schedule.

FRA Draft EIS is Inadequate: There was a complete failure to consult marine industry in preparing the DEIS. Thus, the Draft EIS exhibits a complete misunderstanding of what the marine industry is and completely missed the economic significance in the area affected by the proposed train operation.

- Completely understates the economic importance of the industry and the economic impact the All Aboard Florida train operations will have on it.
- Uses flawed economic measures and employment metrics.
- Little if any recognition of the multiplier effects (real estate, businesses, etc.).

- Fails to take into account the substantial and continuing dredging investments that federal, state and local authorities have made to facilitate this industry.
- Has not adequately addressed alternatives that could obviate the effects of the proposed train operations.
 - For example, if raised bridges were constructed, there would be no closures to hamper the vessel traffic on the affected waterways.
 - o Inadequate consideration has been given to alternative routes to minimize impact on the waterways, i.e., shift the freight traffic to routes west of the affected navigable waters and urban areas.
 - Not adequately address the corridor capacity issues.
 - Future increase in train traffic will only make this worse and must be considered and addressed now.

Mitigation Measures Need to be Strengthened: Mitigation measures may minimize the impact that the train schedule could have. Those offered by All Aboard Florida are minimal and need to be expanded.

- Mitigation measures (including some of which have been suggested by AAF) should include:
 - 1. Addition of a tender at the New River Bridge to allow better communication with commercial vessels.
 - 2. Develop a schedule for the down times of the bridge for passenger rail service.
 - 3. Provide public access to the bridge closure schedules in an internet-accessible format.
 - 4. Schedules for each bridge may be posted on the AAF website and/or the USCG website. This will allow the boating community to plan their trips to avoid wait times and related costs associated with the Proposed Action.
 - 5. Implement a notification sign/signal/horn at each bridge location with countdowns to indicate the times at which the bridge will begin to close and open.
 - 6. Develop formal contact with first responders and emergency personnel.
 - 7. Develop coordination plans between AAF and local authorities during peak vessel travel times on holidays and major public events.

- 8. Develop coordination plans between AAF and the USCG to promote communication with the commercial and recreational boating communities.
- 9. Manage train operations to minimize bridge closures.
- 10.Set schedule of bridge closures.
- 11. Publish bridge closure schedule to be readily available for waterway users (internet, notice to mariners, etc.).
- 12. Fund a bridge tender with ability to communicate with waterway users.
- 13. Prompt notification of bridge closure schedule changes.
- 14. Signal and PTC upgrades.
- 15. Penalties for unscheduled bridge closures.
- 16.Stockpile spare parts to facilitate prompt repairs in the case of a bridge failure.
- 17.Establish a fund to provide compensation for interruptions to waterway use, e.g. in the case of bridge failure.
- 18. Establish and fund a citizens' advisory committee as a watchdog to oversee train operations and make recommendations to public officials.
- 19. Provide for mooring for vessels forced to wait in the event of an unscheduled closure.
- 20. Provide for response vessels to be able to render assistance to vessels in the waterway in the case of sudden or disruptive bridge closures.
- 21. Determine future corridor capacity needs to evaluate potential impacts.
- 22. Publish a periodic report on bridge closures and impact on waterways use, including projections on corridor capacity.
- All of these measures must be implemented so that the proposed train operations will minimize the negative impacts on the marine industry.

Revise the EIS: The marine industry urges the Federal Railroad Administration to revise the EIS and to include these measures in the final EIS.

Economic Impact of the Recreational Marine Industry Broward, Dade, and Palm Beach Counties, Florida - 2014

Completed by

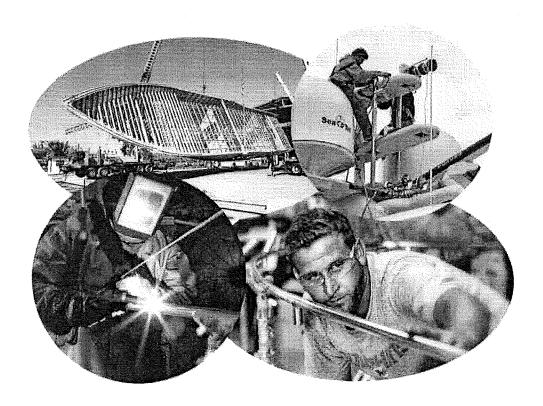
THOMAS J. MURRAY & ASSOCIATES, INC.

For

MARINE INDUSTRIES ASSOCIATION OF SOUTH FLORIDA

EXECUTIVE SUMMARY

October 2014





Marine Industries Association of South Florida

Economic Impact of the Recreational Marine Industry Broward, Dade, and Palm Beach Counties, Florida - 2014

Completed by Thomas J. Murray & Associates, Inc.

For Marine Industries Association of South Florida¹

October 2014

EXECUTIVE SUMMARY

The recreational boating industry is a significant sector of Florida's economy. Manufacturing, retailing, and service sectors comprising the industry have added significantly as the State's resident and tourist populations increased. This study is an update of earlier efforts to quantify the economic significance of the recreational marine and boating industry in Broward, Dade and Palm Beach Counties ("Tri-County") and Florida as a whole, based upon indicators of change within the industry.

This update describes the trends in ownership and operation of recreational boats, and further estimates retail sales, employment, and industry output associated with the retail sale of new and used motorboats, supplies, and outboard motors by Florida's marine industry.

Key Findings:

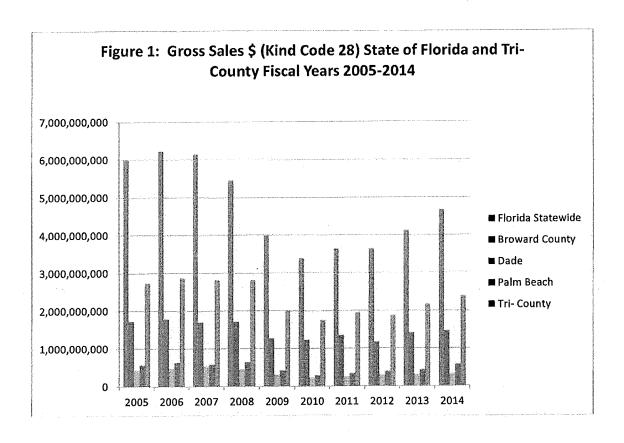
Over the past four years between fiscal year² 2010 and 2014 a consistent turn-around in the marine industry has occurred throughout the State and Tri-County areas. The overall increase in marine related sales in Broward County was 21.9%, Dade 30.5%, and Palm Beach 101.2% over the period. Taken as a region the Tri-County marine industry sales grew an estimated 36.3% between 2010 and 2014. Statewide, gross marine sales grew by 31.3%.

During the most recently completed fiscal year (2014), Broward County contributed nearly \$1.5 billion in sales for this sector, Dade County contributed \$332,397,708, and Palm Beach County reported \$586,317,556.

Combined as a region, the Tri-county area represented 51% (\$2.383 billion) of Florida's gross marine sales during the 2014 fiscal year. For fiscal year 2014, gross retail sales of boat and motor products equaled \$4.675 billion statewide – an increase of 31.3% since 2010.

¹ Marine Industries Association of South Florida, 2312 South Andrews Avenue, Fort Lauderdale, Florida 33316. <u>www.miasf.org</u>

² Florida's Fiscal Year begins July 1st and ends June 30th. Thus the changes noted since the last Tri-County economic study cover a period including July, 2010 through June, 2014.



For FY 2014, the overall economic impact of the marine industry for the Tri-county area was as follows:

Broward County's marine industry had an estimated economic impact of \$8.8 billion in gross output – an increase of \$1.4 billion from \$7.4 billion in 2010; including \$3.7 billion in wages and earnings, up from \$2.6 billion in 2010, and over 100,000 associated jobs compared to 92,000 in 2010.

TABLE I: Summary of Estimated Economic Impact of Marine Industry Total Employment, Total Earnings, and Total Output Broward County, Florida 2014			
Sector	Total Employment (Jobs)	Total Earnings (\$)	Total Output (\$)
Manufacturing	22,331	\$340,048,516	\$1,401,551,496
Wholesale Trade	18,408	\$566,076,914	\$1,485,745,057
Retail Trade	34,805	\$1,350,739,417	\$3,295,339,281
Dockage	11,085	\$324,660,945	\$1,045,577,240
Marine Services	23,841	\$505,289,118	\$1,625,568,050
Total Marine Industry	110,470	\$3,086,814,911	\$8,853,781,124
Source: (1), (4), (6), (11)			The state of the s

Dade County's marine industry had an estimated economic impact of \$768.0 million in gross output – an increase of \$228.0 million from \$540.9 million in 2010; including \$278.2 million in wages and earnings, up from \$195.9 million in 2010, and an associated 7,776 jobs compared to 5,476 in 2010.

TABLE II: Summary of Estimated Economic Impact of Marine Industry Total Employment, Total Earnings, and Total Output Dade County, Florida 2014			
Sector	Total Employment (Jobs)	Total Earnings (\$)	Total Output (\$)
Manufacturing	1,392	\$49,802,095	\$137,506,804
Wholesale Trade	1,338	\$47,854,528	\$132,129,443
Retail Trade	2,644	\$94,596,159	\$261,186,110
Dockage	941	\$33,665,104	\$92,951,527
Marine Services	1,462	\$52,306,112	\$144,420,554
Total Marine Industry	7,776	\$278,223,998	\$ 768,194,441
Source: (4), (6), (11)			

Palm Beach County's marine industry had an estimated impact of \$1.883 billion in gross output – an increase of \$960.0 million from \$.923 billion in 2010; including \$682.1 million in wages and earnings compared to \$334.4 million in 2010, and an associated 18,220 jobs compared to 8,931 in 2010.

TABLE III: Summary of Estimated Economic Impact of Marine Industry Total Employment, Total Earnings, and Total Output Palm Beach County, Florida 2014			
Sector	Total Employment (Jobs)	Total Earnings (\$)	Total Output (\$)
Manufacturing	1,700	\$63,675,704.53	\$175,812,736
Wholesale Trade	3,500	\$131,030,380.87	\$361,783,350
Retail Trade	5,432	\$203,379,455.66	\$561,543,820
Dockage	1,948	\$72,943,942.75	\$201,402,940
Marine Services	5,640	\$211,147,535.19	\$582,991,991
Total Marine Industry	18,220	\$682,177,019	\$1,883,534,841
Source: (4), (6), (7), (11)		<u> </u>	

The Tri-county marine industry had an estimated economic impact of \$11.5 billion in gross output – an increase of \$2.6 billion from \$8.9 billion in 2010; including \$4.0 billion in wages and earnings, up from \$3.0 billion in 2010, and an associated 136,000 jobs generated compared to 107,000 in 2010.

TABLE IV: Summary of Estimated Economic Impact of Marine Industry Total Employment, Total Earnings, and Total Output Tri-County, Florida 2014			
Sector	Total Employment (Jobs)	Total Earnings (\$)	Total Output (\$)
Manufacturing	26,189	465,605,903	1,758,294,079
Wholesale Trade	23,061	673,721,960	1,962,610,375
Retail Trade	42,979	1,721,204,972	4,171,439,095
Dockage	13,912	439,482,658	1,347,440,867
Marine Services	30,325	747,200,435	2,265,725,991
Total Marine Industry	136,465	4,047,215,928	\$11,505,510,406
Source: (4), (6), (7), (11)	Landon de la companyone		namentuura kaluun kanan ka



DATE:

November 25, 2014

TO:

South Florida Regional Planning Council

RE:

Objection to Item III. C. 1, December 1, 2014 Agenda

FROM:

Federal Railroad Administration DEIS (All Aboard Florida) Consulting

Team c/o EnviroCare Solutions International, http://envirocareinc.com/

On behalf of Coalition of Concerned Ft. Lauderdale Area Property Owners, Boaters, and Directly Affected Marine Industry Businesses. Please direct responses to: Robert M. Levy Associates

We object to the December 1, 2014 staff memorandum, namely because of:

a. The apparent error on page 2 which states "... issues have been raised by reporesentatives of the marine industry in South Florida about the projects [sic] impacts to the marine industry east [emphasis added] of the New River Rail bridge in Ft. Lauderdale."

The impacts to the marine industry, and many residential boaters as well, are primarily **west** of the rail bridge. However, the marine industry cluster works as a whole, so it is difficult to geographically segment. In other words, marine services demanded of operations west of the bridge may draw upon marine-related business located throughout the region to meet the technical expertise needed. Finally, the bridge should correctly be identified as the FEC rail bridge, since the CSX bridge also impacts marine navigation.

b. The positions stated on pp. 1-2 that: "The proposed Intercity Passenger Rail Project is consistent with and furthers plans and policies of the South Florida Regional Planning Council." and "The proposed Phase II DEIS, supplementing the 2012 Environmental Assessment, substantially addresses any negative impacts caused by the project in Miami-Dade and Broward Counties." To the contrary, the All Aboard Florida project as presented in the Draft Environmental Impact Statement is inadequate, does not properly mitigate negative project effects, and contradicts CEDS and the SRPP as follows:

1. The Comprehensive Economic Development Strategy (CEDS) 2012-17.

CEDS is a regional plan composed and adopted by the South Florida Regional Planning Council which in part is used to posture projects and programs for Federal funding. Such Strategy acknowledges the importance of the marine industries in Ft. Lauderdale with blanket policy statements of support:

"Support projects that promote and enhance marine, tourism, renewable energy, military and agriculture sectors." (CEDS, p. 11)

In justifying this position, the Plan (CEDS, pp. 91-92) states:



"Known as the "Yachting Capital of the World," Greater Fort Lauderdale enjoys a thriving recreational marine industry, having more than 50,000 registered vessels cruising its 300 miles of navigable waterways and Atlantic shores. Approximately 1,500 megayachts (vessels measuring 80 feet or more) visit Broward County each year, and each visit generates an estimated \$400,000 economic impact through boatyard and marina expenditures, purchases and related services from businesses that serve the marine industry. The megayacht related business activity in Broward County accounted for more than 80% of the Region's marine industry's economic activity. It is one of Broward's largest industries and employment sectors, creating more than 134,000 jobs and representing \$3.7 billion in wages and earnings. [sic] [old data which is larger today] Marine industry is also a crucial sector in the Florida Keys (Monroe County). Besides tourism and hospitality sector, the \$60-100 million fishing industry is also vital to the County's economy and culture."

The project as presented in the DEIS negatively impacts the marine and tourism sectors of South Florida's regional economy.

2. Strategic Regional Policy Plan (The SRPP is by law the guiding policy document administered by the South Florida Regional Planning Council.) The Plan supports the "marine resource economy," so anything detrimental to same such as obstructive FECR/AAF bridge is contradictory.

AAF's earlier Environmental Assessment (2012) cites compliance South Florida Regional Planning Council plans pertaining to Broward County, we take exception to that.

Because of threat to our marine industry, AAF's DEIS contradicts: (Citations follow):

a. (p. 76, SRPP) "Protecting our Marine Resource Economy
Our world-renowned waterways provide more than just tourism. The Region is home to
mega-yacht builders and outfitters, and the marinas and support services that are located
along our coastline provide jobs as well as eye appeal. As the Region continues to grow,
demands for residential development along the scenic waterways increase, putting a
sometimes-irresistible pressure on marine related industries. Loss of marine-related
businesses, especially those that are water dependent to residential development means a
loss of jobs and a change in the character of an economy that has been traditional in
South Florida. "

b. Contradicts Policy 17.6 "Improve economic diversification in South Florida and enhance the Region's assets for international business, tourism, technology, sports, entertainment, and other economic development activities." (p. 77, SRPP; see also page



75 regarding international trade) Ft. Lauderdale's marine and yachting industries are vital links to international business.

c. The Environmental Assessment (2012) cites support for commuter rail, and waterborne transit simultaneously. Any obstructive bridge, FEC or CSX included, runs contrary to that:

"Policy 8.4 Expand use of public transportation, including buses, commuter rail, waterborne transit, [emphasis added] and alternative transportation modes that provide services for pedestrians, bikers, and the transportation disadvantaged, and increase its role as a major component in the overall regional transportation system." (p. 243 from EA)

In other words, how can the Council support waterborne transit if it is also supporting a rail project which impedes such transit? The Ft. Lauderdale Water Taxi/Waterbus is the primary example of impact by obstructive rail bridge closures. Already today it is preventing from taxi stops upstream of the FEC bridge; additional bridge closures will only further curtail its ability to operate in prime/vital areas of the New River loop.

d. "Policy 20.14 Encourage coordination among state, regional, and local governments and the private sector in the development of waterway transportation strategies and polices, consistent with protection of the Region's water resources, which can be integrated into the local comprehensive planning process." (p. 89, SRPP)

The AAF DEIS contradicts such efforts to develop more waterway transportation strategies.

e. In three sections of the Plan, Goal 2 is restated: "Increase employment opportunities and support the creation of jobs with better pay and benefits for the Region's workforce." (pages 3, 22 and 24 of the SRPP)

The AAF project as presented in the DEIS (with inadequate mitigation) will negatively impact the marine industries' ability to create and sustain high paying jobs. Coveted marine industry jobs are markedly higher paid. A recent study for the Port of Ft. Pierce Master Plan shows **median annual marine industry salaries at \$50,522**, which is nearly **70% higher** than commercial/retail/hospitality jobs (\$29,752). Any retraction of the marine industry in Broward is a contradiction to the SRPP.

RESOLUTION NO. 2014- 39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, EXPRESSING OPPOSITION TO ALL ABOARD FLORIDA'S HIGH SPEED RAIL PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, All Aboard Florida – Operations, LLC ("All Aboard Florida"), a subsidiary of Florida East Coast Industries ("FECI"), is proposing to provide a high speed passenger rail service with 32 trips (16 round-trips) per day between Miami and Orlando that will run through populated areas of Indian River County, Florida at grade level, including the City of Vero Beach, the City of Sebastian, and the communities of Gifford, Roseland, Wabasso, and Winter Beach, without stopping or providing service or other benefit to these communities; and

WHEREAS, the current railroad tracks owned by the Florida East Coast Railway ("FECR") are designed for trains that operate at speeds from 45 miles per hour ("mph") to 60 mph; and

WHEREAS, according to the draft Environmental Impact Statement ("EIS") and other information, All Aboard Florida proposes to operate these high speed passenger trains at speeds of 106.6 mph to 110 mph through Indian River County, Florida; and

WHEREAS, at first, All Aboard Florida touted the high speed passenger rail project as being a private company providing a private service using solely private resources; and

WHEREAS, in June of 2014, All Aboard Florida sold \$405 million in bonds with a 12 percent interest rate to assist in its efforts to build the proposed high speed passenger rail project; and

WHEREAS, All Aboard Florida has applied for a government-backed Railroad Rehabilitation and Improvement Financing ("RRIF") loan with the Federal Railroad Administration, and if it secures the amount that it has requested in its RRIF loan application, it will be the largest RRIF loan awarded by the federal government to date. If All Aboard Florida secures the amount that it has requested it intends to use a portion of the government-backed RRIF loan to repay the \$405 million in high interest bonds it has issued; and

WHEREAS, FECR has license agreements with local governments for most, if not all, of the railroad crossings along FECR's corridor, a number of which are within Indian River County, including the City of Vero Beach; and

WHEREAS, due to the language in these existing license agreements, local governments, such as the City of Vero Beach and Indian River County, will bear the maintenance costs of upgraded railroad crossings required to allow All Aboard Florida to operate a high speed passenger rail service, as well as the costs of maintaining any additional equipment and improvements to implement one or more quiet zones; and

WHEREAS, the City Council of the City of Vero Beach believes no public dollars should be made available for this project to FECR, FECI, or All Aboard Florida; and

WHEREAS, it has been determined that this proposed project does not show any economic benefit to the residents and taxpayers of the City of Vero Beach or any of the other communities in Indian River County, but will cause an increased financial burden for such residents and taxpayers in the form of more potential risk and liability and increased ongoing maintenance and other costs, as well as producing detrimental impact on the quality of life in our communities; and

WHEREAS, the upgraded railroad crossings will also allow FECR to operate its freight rail service at speeds of up to 70 mph as outlined in the draft EIS through populated areas of Indian River County, including the City of Vero Beach, the City of Sebastian, and the communities of Gifford, Roseland, Wabasso and Winter Beach; and

WHEREAS, there can be additional risks posed by the project to public safety and emergency response times and land mobility; and

WHEREAS, there will be no future planned stops within the City of Vero Beach, Indian River County, Florida by All Aboard Florida unless the plans are first approved by the Central Florida Expressway Authority, thereby potentially eliminating any future benefit to the community; and

WHEREAS, the first priority of the City Council of the City of Vero Beach, Indian River County, Florida is the health, safety, welfare, and quality of life of the residents and visitors of the City of Vero Beach; and

WHEREAS, according to the draft EIS, All Aboard Florida's proposed high speed passenger rail service will increase railroad traffic, railroad noise, and railroad vibrations within the City of Vero Beach, Indian River County, Florida thereby creating a genuine potential detriment and threat to the health, safety and general welfare of the residents and visitors of the City of Vero Beach, Indian River County, Florida and may cause harm to the City of Vero Beach's, Indian River County, Florida, natural, environmental, archeological, cultural, and historic resources; and

WHEREAS, representatives of All Aboard Florida have not included adequate pertinent information and data to support their proposed findings to our community as to the true nature of the project, the extent of the support of the federal government subsidy, the significant benefit to the freight business, and the real potential threats to the health, safety and general welfare to the communities of the City of Vero Beach, Indian River County, Florida and the entire Treasure Coast; and

WHEREAS, the consensus is that comments on the draft EIS, including those collected from the required public presentations by the Federal Railroad Administration and All Aboard Florida, will be collated and analyzed by the same firm hired to do the draft EIS and not by an independent firm; and

WHEREAS, the consensus is and remains that this firm that prepared the draft EIS has not addressed the issues of concern specific to our community and has completely missed much of the factual data that should have been collected from the community for consideration in the draft EIS; and

WHEREAS, the City Council of the Vero Beach has serious concerns with bias that arises from this glaring lack of factual data that should have been included and considered in the draft EIS and shares its concerns with other elected officials on the Treasure Coast for a more independent review of the project,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, INDIAN RIVER COUNTY, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby found true and correct and are adopted as findings of the City Council of the City of Vero Beach, Indian River County, Florida.

Section 2. The City Council of the City of Vero Beach, Indian River County, Florida, hereby expresses its unanimous opposition to All Aboard Florida's High Speed Rail Project.

Section 3. The City Clerk is directed to provide a certified copy of this Resolution to Governor Rick Scott; Florida State Senators Thad Altman and Joe Negron; Florida State Representatives Debbie Mayfield and Gayle B. Harrell; the Federal Railroad Administration and Administrator Joseph C. Szabo; United States Senators Marco Rubio and Bill Nelson; United States Representatives Bill Posey and Patrick Murphy; Florida Department of Transportation Secretary Ananth Prasad; United States Transportation Secretary Anthony Foxx; the Treasure Coast Regional Planning Council; and the Indian River County Metropolitan Planning Organization.

Section 4. This Resolution shall become effective upon adoption by the City Council.

Jammy M. Vock

CITY COUNCIL CITY OF VERO BEACH, FLORIDA

Richard Winger Mayor

[SEAL]

City Clerk

Approved as to form and legal sufficiency:

Wayne R. Coment City Attorney

Approved as conforming to municipal policy:

James R. O'Connor City Manager

City of Vero Beach

1053 - 20th PLACE - P.O. BOX 1389 VERO BEACH, FLORIDA 32961-1389

OFFICE OF THE DIRECTOR
PUBLIC WORKS

ORIDA

December 1, 2014

John Winkle Federal Railroad Administration 1200 New Jersey Avenue, SE Room W38-311 Washington, DC 20590

Via Email: AAF comments@vhb.com

Re: All Aboard Florida – Draft Environmental Impact Statement

City of Vero Beach, Florida

Dear Mr. Winkle:

On November 18, 2014, the City of Vero Beach submitted comments regarding the All Aboard Florida Draft Environmental Impact Statement (copy attached). Since that time we have received comments from three local groups that we would like to have included with our submittal as attachments. These comments are from:

- 1. The Indian River County Chamber of Commerce;
- 2. The Indian River County Train Impact Coalition; and
- 3. Ruth Stanbridge, Research Historian.

Thank you for your consideration.

Sincerely,

Monte K. Falls, PE Public Works Director

Cc: James R. O'Connor, City Manager

MKF/ntn

V:\LAND PROJECTS\2014\2014-02 All Aboard Florida\Docs\DEIS\Tx Addl DEIS Comments_JWinkle-FRA_Dec 01 2014.docx

MEMORANDUM and LETTER REPORT

Date: November 29, 2014

From: Ruth Stanbridge, Research Historian

Re: Draft Environmental Impact Statement - All Aboard Florida Project.

Thank you for the opportunity to comment on this Proposed Project. The following is submitted and specifically directed to the Consultation and Cultural Resources of the above DEIS as it relates to the National Historic Preservation Act (NHPA) Section 106 and Federal Department of Transportation Act (FDTA) Section 4 (f).

COMMENTS

From the beginning, the citizens of Indian River County and other Treasure Coast Counties were assured by both the Federal Rail Administration (FRA) and All Aboard Florida (AAF) that all concerns would be answered and the Draft Environmental Statement (DEIS), when released, would be **complete** and **creditable**.

After reviewing this DEIS over the past few weeks, the determination has to be made that this document is **not complete** and **far from creditable**. It is solely lacking in the most basic information and details, especially in the identification and discussion of the cultural resources of Indian River County.

The **DEIS Summary** is the first indication that there has been no consideration given to cultural resources of Indian River County. There are no acknowledgements of the significance cultural resources or historic districts that are located in *or immediately adjacent* to the FECR Railway Historic District. There was no text, table, or report in the DEIS to note that a true cultural resource assessment has been done for APE of the N-S Corridor. There is, however, a bold statement on **page S-18** that says that "The Project would have no direct or indirect effect (noise, vibration, and change in setting) in the historic resources located adjacent to the N-S Corridor." That statement is ridiculous!

A proper survey and discussion of cultural resources (including archaeological sites) cannot be found in the **Affected Environment (Chapter 4)**, or Environmental **Consequences (Chapter 5)**, and is totally missing from **Chapter 7 (Mitigation and Project Commitments)**. That is unacceptable!

Because these resources have not been identified or acknowledged in the DEIS, is it presumed that there are no "environmental consequences"? This DEIS is flawed. It has created confusion and bewilderment not only for the public but for the local governments and cities trying to review the document. Again, this DEIS is unacceptable and a failure of the FRA and their consultants who were tasked to write a **complete** and **creditable** document.

As early as **July 2013**, FRA was being assured by AAF and their consultants that SHPO "was comfortable that AAF has properly consulted with them and that, at this point, [there are] "no adverse effects" to cultural resources from this project." [8 July 2013 letter - 4.4 .5 A2]. Again, this was another bold statement made more than two months before the release of the DEIS and months away from the end of the commenting period.

FAILURE TO COMMUNICATE:

- (1) In the letters of March 28, 2013 [4.4.5 A1] and July 8, 2013 [4.4.5 A2] FRA determined "that the coordination with local preservation planning representatives used in Phase I was "not warranted in Phase II" and that "coordination with local entities was not required ..."
- (2) Also, FRA agreed "not to use the 'substitution approach' to streamline the NEPA and NHPA Section 106 consultation process" which meant that the "standard Section 106" method would be used 8 July 2013 letter [4.4.5 A2]
- (3) In these same pre-DEIS meetings, the determination was also made and concurred with at the highest level that coordination with local planning representatives was "not warranted" (see page 4-124).

These pre-DEIS letters between FRA, AAF, and SHPO were summarized in the DEIS paragraph on **page 4-124** and became part of the document. They also set the stage for what happened in Indian River County and other local governments.

No contacts were made with local government (cities or county), historical or heritage organizations or individuals in regard to information or input on cultural resources. No scoping meeting was held in the County. The City of Vero Beach and the City of Sebastian both located along the APE of the N-S Corridor were not contacted. Neither the Indian River County Historical Society nor the Sebastian River Historical Society was asked for information on cultural resources. The planning staff of two Cities and those of Indian River County were never called. Even the County Historian (duly appointed by the Indian River Board of County Commissioners) and who has worked closely with the Department of State, Bureau of Historical Preservation, for over thirty years was never asked for information.

SHPO, when contacted on October 15, 2014 by email about these pre-DEIS determinations, responded that "An agency official may use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with section 106 in lieu of the [standard 106 process] if the agency official has notified in advance the SHPO/THPO and the [Advisory] Council that it intends to do so".

Whatever method was used - the "standard Section 106 process" method or the streamlined and flexible "substitution" approach – local public participation and involvement is guaranteed, but FRA's determinations in the early pre-DEIS meetings compromised this coordination and consultation.

(4) **Table 4.4.5.2 (page 4-125)** – This Table explains that 4 Certified Local Governments (CLG), 1 urban planner, and 1 archaeologist were contacted.

The Orlando-WPB Corridor is well over two hundred miles long and runs through 6 counties with a dozen or so large and small local city governments, at least another dozen or so planners with each city and county, many local historical societies, preservationists, and knowledgeable local people, yet only <u>6 contacts</u> were made with only <u>3</u> responses?

A Certified Local Government cannot be a substitute for "local government", consulting parties, consulting agencies or local preservationists in regards to Section 106. The urban planner in the St. Lucie County cannot be substituted for the urban planner in Indian River County. **FAILURE TO COMMUNICATE!**

FAILURE TO ACKNOWLEDGE CULTURAL RESOURCES:

(1) In **Section 4.4.5** Cultural Resources: Most of the historical properties and archaeological sites in Indian River County located *in or immediately adjacent* to the APE of the railway corridor were not acknowledged, surveyed, or discussed in this DEIS. These resources were omitted or simply dismissed from the Section. Therefore, no analysis could take place.

The entire Section (pages 4-120-132) was alarming, no detail discussion of historical buildings and structures appeared and no cultural resource assessment report was included. The most shocking was that no recognition was given to two National Register Historical Districts in the City of Sebastian that are located *in or immediately adjacent* and on either side of the FECR Linear Historic District. Not only are these National Register Districts *in or immediately adjacent* to the APE of the N-S Corridor there are over 40 buildings or structures within their boundaries with many of them in the APE and several are individual properties potentially eligible or already listed on the National Register.

Throughout the length of the county in or immediately adjacent to the APE of the N-S Corridor, there are a number of other single historic properties potentially eligible or already listed on the National Register. These were not acknowledged in any way. They would fall under Section 106 (NHPA) and will have impacts from noise, vibration, and safety issues, yet they are not listed or discussed in the entire document.

The "three architectural/historical resources" mentioned on page 4-129 of the DEIS are only identified in the Tables that follow this statement. The railroad corridor, the bridge, and a railroad platform are slated for reconstruction activities or demolition. No other cultural resources were listed or acknowledged in the text or Tables with the text.

In the separate **Appendix 4.4.5-B**3 which shows the "proximate" of cultural resources in relationship to the N-S Corridor APE, there are some resources identified only by their FMSF#s identification. There is no refer, no discussion, or other acknowledgement of these resources in the DEIS text. Again, there is no Cultural Resources Assessment Report (CRAC) or Table attached to this DEIS.

The DEIS also failed to acknowledge or identify several very important archaeological sites located *in or immediately adjacent* and within the N-S Corridor. These sites are of <u>major</u> significance and have national implications and, even, international importance - unforgiveable! **Another failure of this DEIS**.

(2) Archaeological Resources (4-131) – Under this portion of the DEIS only one archaeological site in Indian River County is reported *in or immediately adjacent* to the APE of the N-S Corridor. This one site is a shell midden not evaluated by SHPO while several more archaeological sites in the Corridor were Ignored and/or dismissed.

One of those missed is a site *in or immediately adjacent* to the bridge landing of the St. Sebastian River Bridge (FMSF#8BR3062/8IR1569) near Roseland. This is the St. Sebastian Bridge that will be demolished as part of this

Proposed Project. Again, this site listed on the Florida Master Site File was not acknowledged, surveyed, or investigated.

Two sites with <u>major</u> potential were also ignored or dismissed. Neither the Vero Man site (FMSF#8IR09) nor the Gifford Bones site (FMSF#8IR07 and FMSF#8IR08) were mentioned. Both are potentially eligible for National Register status.

The Vero Man site has gained both National and International attention. In fact, the excavation at the Vero Man Site is now going into its second season. The State Historic Preservation Office (SHPO) is well aware of the potential of this site. Again, this is a total failure of the DEIS in not properly addressing cultural resources along the N-S Corridor and not actively coordinating with local government and local people!

FAILURE TO ACKNOWLEDGE IMPACTS TO CULTURAL RESOURCES:

In Section 4.2.2 and Section 5.2.2, impacts to cultural resources are discussed. Unfortunately, this DEIS has not recognized or acknowledged these resources (including the archaeological sites) and therefore, discussion of the "environmental consequences" and impacts has been limited. Vibration, noise, and safety issues are <u>major</u> concerns.

(1) **Table 4.2.2-1** separates noise-sensitive land uses into Categories. Category I lists National Historic Landmarks as one of the "significant outdoor uses".

In Indian River County there are two National Register Historic Districts and a number of single historic properties listed on the National Register or potentially eligible that falls within this Category. These are *in or immediately adjacent* to the APE of the N-S Corridor, but, again, they were not identified, acknowledged, or discussed in the text or anywhere in the DEIS document. **They would fall under Section 106 (NHPA) and there will be environmental consequences from noise, vibration, and safety issues.**

Located in Pocahontas Park (page 4-141) are two historic buildings which are considered community centers (one is on the National Register and another potentially eligible). The Park is listed in Table 4.4.6-2 and is considered under Section 4 (f) and Section 6 (f). The historic buildings are not acknowledged in the Table as part of the Park. In fact, their existence is not acknowledged anywhere in the text - only as a FMSF# on Map 45 [4.4.5-B3].

These community centers and Pocahontas Park host hundreds and hundreds of people <u>per day</u>, yet the DEIS failed to discuss or acknowledge these buildings and their uses. In fact, the Park, itself, was misidentified as being owned and managed by Indian River County, but Pocahontas Park is a <u>city</u> park in Vero Beach and has been since 1913. **Impacts from noise, vibration, and safety issues are <u>major</u> concerns.**

A historic farmstead consisting of a house museum (listed on the National Register), barns, and a future as an educational center was totally dismissed. There is no mention made of this property in the document. This Farmstead would be considered under Section 4(f) and is a unique property with over 100-acres of conservation and preservation land including several rare and endangered species onsite. Its eastern boundary is located *in or immediately adjacent* to the APE of the N-S Corridor. **Again, this entire historic farmstead with barns was omitted from discussion as well as impacts from noise, vibration, and safety issues.**

- (2) The <u>FRA did determine</u> that the N-S Corridor would result in "long-term noise and vibration with adverse impacts to residents and properties". (page 5-39)
- (3) They also <u>determined</u> that "the ground-borne vibration already exceeds the criteria" (page 5-51). The N-S Corridor is consider a "heavily used rail corridor" (more than 12 trains per day) with additional impacts if the trains <u>double</u> (FRA 2012a).

Again, vibration, noise, and public safety are <u>major</u> concerns to all the cultural resources *in or immediately adjacent* to the APE of the N-S Corridor. Since these cultural resources were not acknowledged, recorded, and are missing from the DEIS records and since public involvement was non-existence, no adverse impacts were discussed or recorded.

With the only plans – the 30% plans – available, there was inadequate information to review in regards to impacts. Sixty percent (60%) plans were requested but NOT provided while the ninety percent (90%) plans will not be available until weeks after the DEIS deadline for comments has passed. Plans at 60% are considered standard in any construction project, but for reasons unknown, the FRA and AAF determined that those plans were not necessary for this DEIS. **Failure to acknowledge impacts!**

There are no way local governments, owners of these properties, preservationists, and the general public will have to accurately address impacts to these resources without information, data, and plans! Failure to acknowledge impacts!

SUMMARY

This "reconstruction" proposal by AAF will add "new" modern infrastructure, additional high speed passenger trains, and increased freight. Impacts of vibration and noise to cultural resources were **NOT** addressed in this DEIS. Safety issues in and around these cultural resources were **NOT** discussed. This DEIS simply did **NOT** acknowledge or recognized these resources and so they presumed they must **NOT** exist as far as "consequences" from this Proposed Project. (See Cultural Resources, pages 4-120-132 and Table 4.2.2-1- Noise and Vibration – page 4-35)

But these cultural resources **do exist** and will be impacted not only by the current Proposed Project, but any future increase in rail freight. This freight issue may rapidly increase "if and when" the passenger service proves to be a financial burden. The practical use of this "new" modern infrastructure would then be to return to a freight corridor. History has a way of repeating itself and in 1968 - passenger service was discontinued on the FEC Railway and freight increased - so it could happen again!

What recourse will the public have to address impacts from increased freight when the passenger service decreases or is discontinued? The FRA must find language to add to any final document that will allow the issue of substantially increased in freight service to be re-visited and re-evaluated.

CONCLUSION

All Aboard Florida representatives have promoted this Proposed Project to the public as a "restoration". This term was actually used by one of the agencies, but this is not a restoration. A "restoration" would "restore" passenger service with the trains moving at a slower rate of speed with the original stops "restored" along the way. Again, this is not a "restoration" this is a "reconstruction" with modern tracks, new and upgraded bridges, and NO stops at small and restored railroad stations.

Whether it is a restoration or reconstruction, there are many local citizens, organizations, and governments along this Corridor that are highly displeased and very disappointed with the Federal Rail Administration and how this DEIS was handled. There is also amazement that an Agency with the reputation of the FRA would allow an Environmental Impact Statement, so poorly done, to be released, even, as a "Draft" document.

This DEIS does not represent the goals and objectives of Section 106 and Section 4 (f) nor does it adhere to the criteria that the Federal Rail Administration or any other Federal government agency must have to move forward a Proposed Project of this scope.

The deficiencies in this document are just too much to overcome in an amendment, or, even, in a supplement. By rejecting this DEIS, as it is written, there will be an opportunity to move forward with a "new" document and a realistic timeframe that follows the proper and official guidelines. This will guarantee local governments and the public their right to participate from the beginning and not be "allowed" in at the end!

FAILURE TO COMMUNICATE

FAILURE TO ACKNOWLEDGE CULTURAL RESOURCES

FAILURE TO ACKNOWLEDGE IMPACTS

RESOLUTION NO. 2014- 39

CONTROL NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, EXPRESSING OPPOSITION TO ALL ABOARD FLORIDA'S HIGH SPEED RAIL PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

PD# 21997

WHEREAS, All Aboard Florida – Operations, LLC ("All Aboard Florida"), a subsidiary of Florida East Coast Industries ("FECI"), is proposing to provide a high speed passenger rail service with 32 trips (16 round-trips) per day between Miami and Orlando that will run through populated areas of Indian River County, Florida at grade level, including the City of Vero Beach, the City of Sebastian, and the communities of Gifford, Roseland, Wabasso, and Winter Beach, without stopping or providing service or other benefit to these communities; and

WHEREAS, the current railroad tracks owned by the Florida East Coast Railway ("FECR") are designed for trains that operate at speeds from 45 miles per hour ("mph") to 60 mph; and

WHEREAS, according to the draft Environmental Impact Statement ("EIS") and other information, All Aboard Florida proposes to operate these high speed passenger trains at speeds of 106.6 mph to 110 mph through Indian River County, Florida; and

WHEREAS, at first, All Aboard Florida touted the high speed passenger rail project as being a private company providing a private service using solely private resources; and

WHEREAS, in June of 2014, All Aboard Florida sold \$405 million in bonds with a 12 percent interest rate to assist in its efforts to build the proposed high speed passenger rail project; and

WHEREAS, All Aboard Florida has applied for a government-backed Railroad Rehabilitation and Improvement Financing ("RRIF") loan with the Federal Railroad Administration, and if it secures the amount that it has requested in its RRIF loan application, it will be the largest RRIF loan awarded by the federal government to date. If All Aboard Florida secures the amount that it has requested it intends to use a portion of the government-backed RRIF loan to repay the \$405 million in high interest bonds it has issued; and

WHEREAS, FECR has license agreements with local governments for most, if not all, of the railroad crossings along FECR's corridor, a number of which are within Indian River County, including the City of Vero Beach; and

WHEREAS, due to the language in these existing license agreements, local governments, such as the City of Vero Beach and Indian River County, will bear the maintenance costs of upgraded railroad crossings required to allow All Aboard Florida to operate a high speed passenger rail service, as well as the costs of maintaining any additional equipment and improvements to implement one or more quiet zones; and

WHEREAS, the City Council of the City of Vero Beach believes no public dollars should be made available for this project to FECR, FECI, or All Aboard Florida; and

WHEREAS, it has been determined that this proposed project does not show any economic benefit to the residents and taxpayers of the City of Vero Beach or any of the other communities in Indian River County, but will cause an increased financial burden for such residents and taxpayers in the form of more potential risk and liability and increased ongoing maintenance and other costs, as well as producing detrimental impact on the quality of life in our communities; and

WHEREAS, the upgraded railroad crossings will also allow FECR to operate its freight rail service at speeds of up to 70 mph as outlined in the draft EIS through populated areas of Indian River County, including the City of Vero Beach, the City of Sebastian, and the communities of Gifford, Roseland, Wabasso and Winter Beach; and

WHEREAS, there can be additional risks posed by the project to public safety and emergency response times and land mobility; and

WHEREAS, there will be no future planned stops within the City of Vero Beach, Indian River County, Florida by All Aboard Florida unless the plans are first approved by the Central Florida Expressway Authority, thereby potentially eliminating any future benefit to the community; and

WHEREAS, the first priority of the City Council of the City of Vero Beach, Indian River County, Florida is the health, safety, welfare, and quality of life of the residents and visitors of the City of Vero Beach; and

WHEREAS, according to the draft EIS, All Aboard Florida's proposed high speed passenger rail service will increase railroad traffic, railroad noise, and railroad vibrations within the City of Vero Beach, Indian River County, Florida thereby creating a genuine potential detriment and threat to the health, safety and general welfare of the residents and visitors of the City of Vero Beach, Indian River County, Florida and may cause harm to the City of Vero Beach's, Indian River County, Florida, natural, environmental, archeological, cultural, and historic resources; and

WHEREAS, representatives of All Aboard Florida have not included adequate pertinent information and data to support their proposed findings to our community as to the true nature of the project, the extent of the support of the federal government subsidy, the significant benefit to the freight business, and the real potential threats to the health, safety and general welfare to the communities of the City of Vero Beach, Indian River County, Florida and the entire Treasure Coast; and

WHEREAS, the consensus is that comments on the draft EIS, including those collected from the required public presentations by the Federal Railroad Administration and All Aboard Florida, will be collated and analyzed by the same firm hired to do the draft EIS and not by an independent firm; and

WHEREAS, the consensus is and remains that this firm that prepared the draft EIS has not addressed the issues of concern specific to our community and has completely missed much of the factual data that should have been collected from the community for consideration in the draft EIS; and

WHEREAS, the City Council of the Vero Beach has serious concerns with bias that arises from this glaring lack of factual data that should have been included and considered in the draft EIS and shares its concerns with other elected officials on the Treasure Coast for a more independent review of the project,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, INDIAN RIVER COUNTY, FLORIDA, THAT:

- Section 1. The foregoing "WHEREAS" clauses are hereby found true and correct and are adopted as findings of the City Council of the City of Vero Beach, Indian River County, Florida.
- Section 2. The City Council of the City of Vero Beach, Indian River County, Florida, hereby expresses its unanimous opposition to All Aboard Florida's High Speed Rail Project.
- Section 3. The City Clerk is directed to provide a certified copy of this Resolution to Governor Rick Scott; Florida State Senators Thad Altman and Joe Negron; Florida State Representatives Debbie Mayfield and Gayle B. Harrell; the Federal Railroad Administration and Administrator Joseph C. Szabo; United States Senators Marco Rubio and Bill Nelson; United States Representatives Bill Posey and Patrick Murphy; Florida Department of Transportation Secretary Ananth Prasad; United States Transportation Secretary Anthony Foxx; the Treasure Coast Regional Planning Council; and the Indian River County Metropolitan Planning Organization.

Section 4. This Resolution shall become effective upon adoption by the City Council.

This Resolution was heard on the 18th day of 100 10000 2014, at which time it was moved for adoption by Councilmember 10000, seconded by Councilmember 10000, and adopted by the following vote of the City Council:

Mayor Richard G. Winger
Vice Mayor Jay Kramer
Councilmember Pilar E. Turner
Councilmember Amelia Graves
Councilmember Randolph B. Old

ATTEST:

Tammy K. Vock City Clerk

CITY COUNCIL, CITY OF VERO BEACH, FLORIDA

Richard Winger

Mayor

[SEAL]

Approved as to form and legal sufficiency:

City Attorney

Approved as conforming to municipal policy:

James R. O City Manager

THE SCHOOL BOARD OF MARTIN COUNTY, FLORIDA



500 East Ocean Blvd • Stuart, Florida 34994 • Telephone (772) 219-1200 Ext: 30222 • Facsimile: (772) 219-1231

November 25, 2014

VIA E-MAIL <u>John.Winkle@dot.gov</u> and MAIL

Mr. John Winkle Federal Railroad Administration 1200 New Jersey Avenue, SE Washington, D.C. 20590

RE: All Aboard Florida - Martin County - Impact on School District

Dear Mr. Winkle:

I am the Superintendent for the Martin County School District and I am writing to express concerns our School Board has about the potential challenges and impacts that the All Aboard Florida project may bring to our District. We do not believe that our specific concerns were addressed in the September 2014 Environmental Impact Statement prepared by the Federal Railroad Administration. We understand that the opportunity to submit public comment ends on Dec. 3, 2014.

The All Aboard Florida project raises concerns of safety and economic impact to the Martin County School District. Over 18,000 students travel to and from public schools in Martin County by school bus, by car, on bicycles, or on foot.

Our District has 110 school buses in its fleet with 71 bus routes that transport over 8,000 students every school day (180 days each year). Additionally, District buses transport students on 12-15 field trips each day, to extended day programs, summer school, and sports events. Our school buses currently cross the FEC railroad tracks 350 times every school day.

We understand that there are currently 30 freight trains that navigate the FEC line daily, which already cause delays to our bus routes, and that the All Aboard Florida project anticipates an additional 32 passenger trains per day moving through the county at speeds from 70 to 110 miles per hour.

As such, we request that you consider our safety and economic concerns, summarized here:

Safety

- Pedestrian safety We understand that only 10 of the 28 crossings across railroad lines in Martin County include pedestrian crossings. Given the high speed of the All Aboard Florida project, we are concerned about the safety of pedestrians, including students walking/bicycling to and from their schools and are required to cross the railroad tracks.
- Driver safety Similarly, we are concerned for parents and other caregivers who drive their students to and from school, crossing the tracks multiple times per day. The School District, which is the second largest employer in the county, is also concerned for its employees who must cross the tracks multiple times every day to and from work, as well as for administrators who frequently visit school sites; itinerant

Laurie J. Gaylord, Superintendent

School Board Members: Michael DiTerlizzi • Tina McSoley • Rebecca Negron • Marsha Powers • Christia Li Roberts

Letter to John Winkle November 25, 2014 Page 2 of 2

teachers and therapists who visit multiple schools per day; volunteers who donate their time to help our students, teachers, and schools; and vendors who deliver services and goods to all of our schools and District facilities.

• Speed of trains and length of buses – The speed of the trains will impact how quickly the safety devices are activated. Our average school bus is approximately 40 feet long and is required to negotiate a complete stop at all railroad crossings. A bus does not accelerate as quickly as a car and could potentially get caught mid-crossing when safety devices are activated.

We understand that the National Highway Traffic Safety Administration and U.S. Department of Transportation created a Checklist for Identifying Potential School Bus Route Fixed Driving Hazards at Railroad Grade Crossings and feel that this survey should be performed for each crossing in Martin County.

• Emergency / crisis response – How will the additional 32 daily train crossings affect ambulance, police, and fire rescue traffic and their response time to our schools in an emergency or crisis situation?

Economic

- The Martin County School District Transportation Facility is located on the east side of the railroad tracks. As already mentioned, the existing freight trains already cause delays to our bus routes. The additional passenger trains will cause further delays, increasing wait time and route time, which will also affect staff time and payroll, as well as an increase in fuel consumption and ultimately cost.
- In addition, the Martin County School District facilities and maintenance departments and warehouse are located on the east side of the railroad tracks. Our 100 "white fleet" vehicles cross the tracks a minimum of two times per day; delays caused by additional trains will cause further financial impact to the District.
- It is unknown at this time if the delays would require the District to alter school times. Until we know the actual schedule of the increased train traffic between the hours of 6am-9am and 1pm-4pm, we are unable to address this issue. However, altering school times could pose additional economic impact upon the District.

The cumulative impact of increased rail service through Martin County is, indeed, directly and indirectly, a significant concern to the operation of the School District and the safety of all of its constituents.

Thank you for the opportunity to voice our concerns about the impacts that All Aboard Florida may have on the Martin County School District. We appreciate the Federal Railroad Administration's consideration of our concerns as well as those by other agencies and individuals in Martin County.

Sincerely,

Laurie J. Gaylord Superintendent

Martin County School District

aunie J. Laylord

cc: Sarah Heard, Chair, Martin County Board of County Commissioners
Taryn Kryzda, County Administrator, Martin County Board of County Commissioners
Kim Delaney, Strategic Development Coordinator, Treasure Coast Regional Planning Council

Pickart, Kenneth

From: Leslie Olson <OlsonL@stlucieco.org>
Sent: Friday, September 26, 2014 1:43 PM

To: AAF_Comments@vhb.com; 'john.winkle@dot.gov'

Cc: Mark Satterlee; 'KoriBenton@City-FtPierce.Com'; Robert Bentkofsky; Daniel McIntyre

Subject: AAF DEIS: Cultural Resources pertaining to St. Lucie County

Mr. John Winkle Federal Rail Administration 1200 New Jersey Avenue SE Room W38-311 Washington, D.C. 20590

Via E-Mail

September 26, 2014

Dear Mr. Winkle:

Acting as the St. Lucie County Historic Preservation Officer, I have reviewed Sections 4.4.5, 5.4.5 and 7.2.12 of the Draft Environmental Impact Statement (DEIS) for All Aboard Florida as it relates to cultural (historical and archeological) resources.

Table 4.4.5-1 on page 4-125 lists me as the Certified Local Government contact and states that the consultant contacted me regarding Potential Locally Designated Cultural Resources, and that there was "No Response" from this office. I have no record of any written or verbal correspondence from the AAF consultant on this project requesting information or comment. Please have the consultant provide the written request to this office as soon as possible. A review of Tables 4.4.5-9, 4.4.5-10, 4.4.5-11, 4.4.5-12, 4.4.5-13, and 4.4.5-14, identifying Potential Locally Designated Cultural Resources, shows a significant deficiency of identified unincorporated St. Lucie County historical and archeological resources within the project area. The FEC Corridor as it passes through unincorporated St. Lucie County is encompassed by a number of identified archeological preservation zones, sites, and historic resources. As these sites are missing from the DEIS, the Section 106 review, summarized in Section 5.4.5.2, cannot be considered complete and ready for SHPO review.

St. Lucie County staff will create a series on maps listing all potential locally designated cultural resources to the consultant after receiving the request from the consultant.

In its current form, the DEIS is incomplete.

Please feel free to contact me with questions or concerns.

Leslie Olson, AICP

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TREASURE COAST REGIONAL PLANNING COUNCIL

Review of All Aboard Florida Draft Environmental Impact Statement

November 21, 2014

Introduction

All Aboard Florida LLC (AAF), a private corporation subsidiary of Florida East Coast Industries (FECI), is proposing to construct and operate high-speed intercity express passenger rail service between Miami and Orlando. The project presents the potential for substantial rail improvements in the region as well as significant regional impacts related to transportation; land use; the natural, physical, and social environment; and the economy. In 2012, the company announced the project and submitted an application to the Federal Railroad Administration (FRA) for a loan through the Railroad Rehabilitation and Improvement Financing (RRIF) program. Approval by the FRA requires an analysis under the National Environmental Policy Act (NEPA). The project is being developed in two phases, with Phase I from Miami to West Palm Beach, and Phase II from West Palm Beach to Orlando. AAF secured approval of an Environmental Assessment (EA) for the Phase I portion, and the second phase requires completion of an Environmental Impact Statement (EIS) process. Following scoping meetings in May 2014, a Draft EIS (DEIS) was published on September 19, 2014 for review by the public, with comments due to the FRA by December 3, 2014. The purpose of this agenda item is to provide a sufficiency review of the DEIS and provide Council the opportunity transmit comments to be considered by the FRA in the development of the Final EIS for the project.

Project Summary

In April 2012, FECI announced its intent to construct and operate a new, high-speed intercity express passenger rail service between Orlando and Miami, with intermediate stops in Fort Lauderdale and West Palm Beach. Developed by a subsidiary corporation, AAF, which is also the project's name, is proposed to operate on the Florida East Coast (FEC) rail corridor from Miami to Cocoa, and along State Road 528 from Cocoa to Orlando. The proposed passenger service would include sixteen daily round-trip trains, totaling 32 additional trains on the corridor beginning in 2016. The FEC rail corridor would carry the new passenger train service as well as continued freight service, which is estimated to be 20 trains per day in 2016 and projected to grow at 3 percent annually thereafter. The project components include the installation of a second track from Miami to Cocoa within the FEC rail corridor; the installation of a new track along SR 528; the construction of four passenger rail stations and a vehicle maintenance facility; improvements to bridges; technology and communications infrastructure; and modifications to grade crossings. Although the rail corridor was originally constructed to accommodate both passenger and freight service, the corridor has carried only freight since 1968, triggering the need for extensive safety improvements to comply with modern railroad regulations.

In 2012, AAF applied for \$1.6 billion loan through the RRIF program. Prior to awarding a loan, the FRA is required through NEPA to conduct an analysis of the potential environmental impacts resulting from the proposed Project. AAF proposes to implement the Project through a phased approach. Phase I would provide passenger rail service on the FEC rail corridor from West Palm Beach to Miami section (approximately 66.5 miles), including stations in Miami, Fort Lauderdale, and West Palm Beach. Phase II would extend service from West Palm Beach to Cocoa on the FEC rail corridor (approximately 129 miles), then west to Orlando along SR 528 (approximately 34 miles) (Exhibit1).

AAF has obtained private financing for Phase I and is proceeding to implement Phase I. Phase I was reviewed through an EA in 2012, and FRA issued a Finding of No Significant Impact (FONSI) in 2013. Consequently, the DEIS is not intended to evaluate impacts exclusively from Phase I. The DEIS focuses on the Phase II portion of the project, from West Palm Beach to Cocoa, which is referred to as the N-S Corridor, as well as the Cocoa to Orlando portion. In addition, because AAF operations would cover the full corridor from Orlando to Miami, the DEIS analyzes the cumulative effects of completing both phases of the Project. Council's review of the DEIS is focused on the analysis of issues within or relevant to the Treasure Coast Region.

Analysis

Land Use

The FEC rail corridor through the region is generally a 100-wide corridor that was established in the early 1900s, with a history of continuous rail service since its inception. The corridor initially carried both passenger and freight service. However, the FEC has carried only freight since 1968. The corridor runs the entire length of Florida's east coast, from Duval County to Miami-Dade County, including Palm Beach, Martin, St. Lucie, and Indian River counties. The N-S Corridor, which is the focus of the DEIS, traverses the following municipalities and locally designated community redevelopment agency (CRA) districts:

- Palm Beach County: City of West Palm Beach, City of Riviera Beach, Town of Lake Park, Village of North Palm Beach, City of Palm Beach Gardens, Town of Jupiter, and the Village of Tequesta.
- Martin County: City of Stuart as well as the Hobe Sound CRA, Port Salerno CRA, Golden Gate CRA, Rio CRA, Jensen Beach CRA
- St. Lucie County: City of Port St. Lucie, City of Fort Pierce, Town of St. Lucie Village
- Indian River County: City of Vero Beach, City of Sebastian

Land uses along the corridor are varied, including residential, commercial, industrial, institutional, recreational, public, and preservation, with varying intensities and densities. Higher-density, higher-intensity land uses exist within urban central business districts; however, much of the corridor is characterized by lower-density, smaller-scale nodes of existing or planned development. The corridor also includes a string of historic downtowns, most of which were developed around historic train stations. In addition, substantial portions of the corridor traverse federal and state preserves, such as Jonathan Dickinson State Park and the Savannahs State Preserves in the northern portion of the region.

The DEIS indicates reviews have been conducted of the comprehensive land use plans in the four counties and the City of West Palm Beach Downtown Master Plan, concluding the N-S Corridor is consistent with these plans. The general project concept and proposed station location in West Palm Beach appear to advance the relevant policy directives in the Palm Beach County comprehensive plan and City of West Palm Beach Master Plan. However, the policies in the other three county comprehensive plans provide support for passenger rail service that provides service to these counties. Given the estimated travel times from the three northern counties to the proposed stations in West Palm Beach and Orlando, and further considering the end-to-end travel times to Fort Lauderdale or Miami, it seems unlikely residents in the three northern counties would utilize the AAF service. Further, the DEIS indicates additional stations along the N-S Corridor were not considered as they would increase travel time between Orlando and Miami of an unacceptable duration. Therefore, without the access, mobility, and economic benefits provided by stations, the DEIS conclusions regarding the comprehensive plans in Martin, St. Lucie, and Indian River counties appear inaccurate and are not substantiated by the data provided in the report.

Impacts in City of Stuart. As indicated in the DEIS, the St. Lucie River Bridge is proposed to remain a single-track bridge. Historic downtown Stuart is located immediately south of the bridge, and the economic vitality of this redevelopment district is contingent upon the availability of public parking located in FEC right-of-way. Council is aware of on-going discussions between AAF and the City of Stuart regarding the installation of a second track south of the bridge, which would require the removal of more than 100 parking spaces, which would substantially impact this community. Latest discussions with AAF representatives indicate the project will not require the installation of a second track for several blocks south of the bridge, which would enable the city to retain the necessary parking. A second track appears unnecessary in this location as the bridge is proposed to remain a single-track. This issues does not appear to be addressed in the DEIS, and more specific data is necessary to resolve this issue.

Impacts in St. Lucie Village. The Town of St. Lucie Village is a community established in the 1850s that predates the establishment of the FEC rail corridor. Council is aware of early plans to install three tracks through the village, one of which would be utilized as a "storage track" for freight trains. The storage of a train through the heart of the village would impact several grade crossings, essentially eliminating all access for village residents and creating a safety hazard for emergency response. AAF representatives have indicated the storage track location has been moved to avoid impacts in St. Lucie Village; however, this data does not appear to be included in the DEIS, and more specific data is necessary to resolve this issue.

Corridor Buffering Treatments: Given the physical characteristics of the FEC rail corridor and railroad operations, many communities have invested public dollars in landscape and beautification treatment in the rail right-of-way to reduce noise, vibration, and visual obtrusion on communities and neighborhoods. In addition to planted materials, there is substantial native vegetation along the corridor that provides further buffering of negative impacts. These improvements also provide a safety enhancement for pedestrians, as landscape materials act as barriers to pedestrian access into the corridor. It appears that AAF's planned double-tracking will require removal of substantial quantities of landscape material, both native and planted,

which will present significant impacts on communities visually and economically. Measures should be considered to enable local governments to beautify the corridor without bearing additional easement lease costs for these improvements to reduce project impacts.

Recommendations:

- The final EIS should include a consistency analysis of all relevant comprehensive plans and community redevelopment agency plans. Mitigation measures or other alternatives should be established and analyzed to resolve inconsistencies or conflicts with local plans.
- The final EIS should include a new alternative that would provide Martin, St. Lucie, and Indian River counties with some level of direct scheduled access to the AAF service, including intermittent or "skip-stop" service, to offset project impacts, more fairly distribute project benefits, and increase consistency with local government comprehensive plans.
- The final EIS should include data to confirm the maintenance of a single-track through Historic Downtown Stuart and maintenance of public parking in FEC right-of-way.
- The final EIS should include data to confirm the location of the storage track outside the boundaries of St. Lucie Village such that egress and emergency response to Village residents can be maintained.
- The final EIS should include measures to enable local governments to install landscaping and hardscape improvements to enhance pedestrian safety and beautify the FEC corridor at the lowest possible cost to the public and without the financial burden of easement lease costs.

Transportation

Roadway Network & Grade Crossings

Regional Roadway Network. The AAF project will affect both the regional roadway network as well as local roads, especially in the eastern portion of the region. At the regional scale, the affected roadways include Interstate 95 (I-95) and Florida's Turnpike. Data provided in the DEIS indicate the applicable segments of these roadways meet or exceed the level-of-service (LOS) standard according to the Florida Department of Transportation (FDOT), generally ranging from LOS B-C. One segment of I-95 is indicated to operate at LOS D, for which the DEIS notes that FDOT has determined LOS D is acceptable for highway systems inside urbanized areas. The DEIS contains sufficient information to address impacts to the regional roadway network.

Local Roadway Network. For the local roadway network, the project impacts are more significant. The DEIS states by the 2016, the AAF project will add 32 daily passenger trains to a forecasted 20 daily freight trains, totaling 52 trains per day operating on the corridor. As indicated in the DEIS, there are a total of 159 grade crossings in the N-S Corridor, with 104 grade crossings located in the region as follows:

Table 4.1.2-3 Summary of At-grade Crossings by County Within the N-S Corridor				
County	Length of Corridor	Number of At-grade		
County	(miles)	Crossings		
Indian River	21	30		
St. Lucie	22	21		
Martin	26	27		
Palm Beach	18	26		
Total for Treasure Coast Region	87	104		
Brevard	42	55		
Total for N-S Corridor	129	159		

Source: AAF. 2013c. FECR Grade Crossing Estimate Spreadsheet. Received via email from Alex Gonzalez on March 7, 2013.

The DEIS includes an analysis of only ten grade crossings, two per county, for the 129-mile N-S Corridor. Utilizing 2019 as the model year, the DEIS indicates the typical at-grade crossings would close an average of 54 times per day (approximately three times per hour). As presented in Appendix 3.3-C, Transportation and Railroad Crossing Analysis of September 2013, the anticipated maximum roadway closures for the project area would range from 1.7 minutes for passenger trains to 5.7 minutes for freight, with hourly closures ranging from 6.6 to 7.1 minutes per hour. Relevant data from the Appendix 3.3-C is presented in Table 4.2 below.

Table 4-2.	Comparison of Roa	way Crossin	g Closures :	for the Pro	ject Area in 2016
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		Freight		Passenger		
County	Number of Crossings	Train Speed (miles per hour)	Maximum Closure (minutes/hour)	Train Speed (miles per hour)	Maximum Closure (minutes/hour)	
Palm Beach (N of Station)	26	54.3	4.9	89.2	1.7	
Martin	25	44.4	5.7	79.5	1.7	
St Lucie	20	47.8	5.4	92.6	1.7	
Indian River	30	54.2	4.9	106.6	1.7	
Brevard	55	53.8	4.9	98.1	1.7	

Notes:

- 1. 2016 freight speed obtained from CA20 TPC Runtimes Frt-RO.xlsx, received from AAF via email June 2013.
- 2016 passenger speed obtained from CA20 TPC Runtimes-R2 w Revised EW Corridor.xlsx, received from AAF via email June, 2013.
- Maximum Closure per Hour calculated as the Total Time to Activate and Clear multiplied by the Maximum Crossings per Hour, divided by 60.

Impact of Bridges on Roadway Network. The N-S Corridor crosses a substantial number of navigable and non-navigable waterways with a total of thirteen bridges. Two bridges are movable bridges that are proposed for rehabilitation, including the Loxahatchee River railroad bridge, which is proposed to become a double-track bridge, and the St. Lucie River railroad bridge, which is proposed to remain a single-track bridge. According to the DEIS, the project will introduce technology improvements, such as Positive Train Control, along with centralized dispatch of both passenger and freight trains to allow train movements to be synchronized. As a result, the DEIS indicates at least 10 of the 20 future freight trains will cross bridges either concurrently or sequentially with passenger trains. Both north and south of the movable bridges, the rail corridor contains substantial track curvatures, which will require trains to reduce speeds.

The DEIS indicates the average freight trains speeds through Palm Beach and Martin counties to be approximately 40 and 37 MPH, respectively, while passenger trains speeds are projected to average roughly 75 and 77 MPH, respectively. However, given the track curvatures, bridge transitions, and passenger/freight sequencing, the average train speeds would be significantly reduced to accommodate safe bridge crossings at the Loxahatchee River and St. Lucie River bridges. Slower-speed trains in these locations will substantially impact grade crossings and roadway network functions in the vicinity of these two bridges, with greater impacts at the St. Lucie River Bridge due to its proposed single-track configuration.

While the AAF passenger trains are estimated to be roughly 1000 feet in length, the DEIS indicates the average freight train length to be approximately 8,510 feet. The DEIS indicates freight demand will increase by 3 percent annually after the inception of AAF service in 2016, with freight forecasts indicating longer freight trains as inbound freight increases to southern seaports over time. As a result, the combined passenger and freight impacts in the immediate roadway network proximate to the movable bridges would extend north and south approximately two miles. Multiple trains slowing to accomplish a sequential or concurrent drawbridge crossing would be expected to cause longer delays for nearby grade crossings. For the Loxahatchee River Bridge, these disproportionately affected grade crossings would include Toney Penna Drive, Indiantown Road, and Center Street to the south and East Riverside Drive, Tequesta Drive, and County Line Road. At the St. Lucie River Bridge, the affected grade crossings would include Joan Jefferson Way, Colorado Avenue/SR 76, Martin Luther King, Jr. Boulevard, East Florida Street, and Monterey Road, and to the north, NW Fern Street and NE Dixie Highway. As the DEIS indicates roughly half the future freight trains would be sequenced with passenger trains to allow simultaneous crossings, this result would be at least ten times per day, an entire set of grade crossings would likely be closed at once by a single 8000+ foot freight train. This impact is projected to increase over time. These conditions do not appear to be analyzed as part of the roadway impact analysis in the DEIS.

Roadway Network Analysis Deficiencies. Several data and methodological concerns are noted regarding roadway network analysis as follows:

- (1) The DEIS utilizes 2011 Annual Average Daily Volume for the traffic impact analysis; however, current year traffic data is readily available from FDOT and local governments and would increase the accuracy of the DEIS.
- (2) The traffic impact methodology does not appear to consider grade crossings most relevant for emergency access to hospitals and other critical infrastructure along the corridor. Emergency response times could be severely impeded by the increased number of rail trips as indicated in the DEIS.
- (3) There are disproportionate impacts on the roadway network in the vicinity of the two movable bridges at the Loxahatchee River and St. Lucie River. Additional analysis is needed with consideration of slower train speeds approaching and departing bridges, multiple trains crossing bridges either concurrently or sequentially, and impacts on the surrounding grade crossings.

- (4) The DEIS grade crossing sample of only two grade crossings per county is too narrow and does not accurately capture the varied conditions of the local roadway network. Given the urban development pattern along the N-S Corridor, there is a fine-grained street grid both east and west of the rail corridor. Throughout the region, Dixie Highway and US1/Federal Highway run generally parallel to the rail corridor, with frequent east/west higher volume roadways that include intersections on both sides of the rail corridor. As a result, vehicles stopped at rail grade crossings cause vehicle back-ups that extend across the rail corridor. In addition, the close proximity between the rail corridor and adjacent roadways causes longer vehicles and vehicles with trailers to be stopped at a red light while a portion of a single vehicle remains across the rail corridor.
- (5) The DEIS assumes the project will capture 7.2 percent of the long distance market share (from Miami to Orlando) and 5.6 percent of the short distance market share, forecasting 69 percent of riders will shift from automobile travel, thereby diverting approximately 336,000 vehicle trips in 2016. Given the geography of the N-S Corridor, it appears this vehicular shift would occur in the counties with stations, while the geography and default travel times would not compel ridership from Martin, St. Lucie, or Indian River counties. The roadway impact delays from the project, however, including grade crossing delays and bridge-related delays, would be considerable in these non-station counties. Therefore, those portions of the corridor without stations would experience greater vehicular delays without gaining benefits of access, resulting in secondary impacts from the project. Additional analysis is needed to understand the magnitude of vehicular reductions versus vehicular delays.

Recommendation:

• An updated traffic impact analysis should be conducted that utilizes current year traffic counts and a substantially expanded sample of grade crossings. The analysis should consider high-volume roadways, grade crossings proximate to the Loxahatchee River and St. Lucie River railroad bridges, emergency access routes, roadway intersections near grade crossings that are directly affected by grade crossing closures, and vehicular delays caused by grade crossing closures, including all potential mitigation measures. Additionally, costs to local governments need to be identified for intersection, roadway, and water management improvements needed to cure traffic and traffic safety impacts on the local and regional roadway network created by increased grade crossing closures.

Pre-Emption. FRA conducted diagnostic field reviews from February through July of 2014 to evaluate grade crossings and identify necessary safety infrastructure to accommodate the AAF project. In the FRA's On-Site Engineering Field Report, Part 2, the issue of highway traffic signal pre-emption was raised as a safety concern relevant to the local roadway network. The proper traffic signal interconnections are necessary to provide sufficient time to permit a vehicle or pedestrian to clear the path of an approaching train. The report recommends that due to the inclusion of additional tracks, increase in train speeds, station stops and restarts from sidings within approaches to traffic signal interconnected grade crossings, a thorough evaluation should be conducted of the preemption needs to determine the appropriate form of preemption (either

simultaneous or advanced preemption) to be required at each grade crossing location along the entire AAF service route (Miami through Cocoa).

Recommendation:

• The final EIS should include an analysis of pre-emption at grade crossings and include relevant improvements and their costs as part of the project.

Connector Road at West Palm Beach Station. The project proposes to construct a station in downtown West Palm Beach, which will require the closure of two downtown streets – Datura Street and Evernia Street – to accommodate a 1000-foot train platform. Closure of these two streets creates substantial impacts upon vehicular circulation in the vicinity of the station, with projected levels of service falling below acceptable thresholds. Traffic analyses evaluating this roadway network failure indicate the installation of an access road along Rosemary Avenue can provide mitigation for these impacts and enable the roadway network to function at acceptable levels.

Recommendation:

• The final EIS should include a requirement for the installation of a connector road between Clematis and Evernia at the West Palm Beach station to reduce roadway network impacts.

Marine Navigation

As noted above, the N-S Corridor traverses a number of navigable waterways and includes two movable bridges at the Loxahatchee River and St. Lucie River. Project impacts on these two bridges are significant, and data in the DEIS indicates the bridges could be closed to marine navigation 300 percent more than current conditions, which could create significant economic, recreational, and access impacts in the region.

Loxahatchee River Bridge: Located in the Town of Jupiter and adjacent to the Village of Tequesta, the Loxahatchee River railroad bridge crosses the Loxahatchee River approximately 1.3 miles west of the Jupiter Inlet, adjacent to the Atlantic Intracoastal Waterway. The Loxahatchee River includes roughly twelve miles of navigable coastline in Palm Beach and Martin counties. Land uses along the waterway are predominately residential, cultural, recreational, and preservation, including highly popular recreational destinations such as sandbars and Jonathan Dickinson State Park.

The DEIS indicates there are seven marinas with more than 500 slips along with four boat ramps within close proximity to the bridge. Upstream from the bridge, the DEIS indicates there are more than 1,200 private and residential docks. Boating data in the DEIS suggests boating activity at the Loxahatchee River Bridge is predominately recreational. The DEIS indicates an average of 108 vessels per day transit the bridge Monday-Friday and 271 per day on weekends, with more than 500 on peak weekend days, and up to 14 commercial vessels per day. However, local counts provided by the Jupiter Inlet District (JID) indicate average boating traffic is higher, counting roughly 500 boats/weekend day during daylight hours from January through September 2014 (Exhibit 2).

The bridge has a vertical clearance of four feet, which means virtually no boats can cross the bridge when it is closed, and a narrow horizontal clearance of 40 feet. According to the USCG Drawbridge Operation Regulations (33 CFR 111.299), the drawbridge is presumed to be normally in the fully open position and lowered for freight train passage. Per the DEIS, under 2013 conditions, 14 freight trains cross the bridge daily, with average closure times of 19 minutes apiece. The average total weekday closure time is suggested to be approximately 3.6 hours/day on weekdays and 2.6 hours/day on weekends. The bridge currently includes a single railroad track which would be expanded to a double-track with the AAF project.

St. Lucie River Bridge: Located in the City of Stuart, the St. Lucie River Railroad Bridge is drawbridge crossing the St. Lucie River (and Okeechobee Waterway) approximately 5.9 miles from the St. Lucie Inlet. The St. Lucie River extends upstream, north, south, and west, with nearly 40 miles of navigable coastline in Martin and St. Lucie counties. Approximately six miles southwest of the bridge, the South Fork of the St. Lucie River connects to the St. Lucie Canal/C-44, which provides a 90-mile navigable route through Lake Okeechobee to Fort Myers.

Land uses along the St. Lucie River are mixed, including residential, retail/commercial, office, hotel, industrial, recreational, and preserve. The bridge also provides access to designated community redevelopment areas in Old Palm City and Indiantown, where a recent state Enterprise Zone designation was secured to support marine commercial activity. The DEIS suggests there are fifteen marinas along the St. Lucie River, and a review of aerial photos indicates there are approximately 2,000 private docks along the coastline. The DEIS indicates the boating activity is mostly recreational, with an average of 102 vessels/day crossing the bridge on weekdays and 315 vessels/day on weekends, with as a daily weekend high of 413 vessels/day, and up to 21 commercial vessels per day. Martin County's boater counts indicate a higher level of activity, with average daily traffic of 235 boats/day and 450 boats/day on peak weekends (Exhibit 3).

The St. Lucie River railroad bridge has a vertical clearance of seven feet, enabling only enable smaller recreational vessels to cross when the drawbridge is down, and a horizontal clearance of 50 feet. Similar to the Loxahatchee River railroad bridge, the relevant U.S. Coast Guard (USCG) Drawbridge Operation Regulations (33 CFR 111.317) also indicate the drawbridge normally in the fully open position and lowered for freight train passage. Under 2013 conditions, the DEIS indicates 14 freight trains cross the bridge daily, with average closure times of 21 minutes each. The average total weekday closure time is suggested to be approximately four hours/day on weekdays and nearly three hours/day on weekends. The DEIS indicates the St. Lucie River Railroad Bridge would be rehabilitated and remain a single-track bridge.

Freight Demand: The DEIS indicates current freight demand to be 14-17 freight trains per day, which are forecast to grow to 20 trains per day by 2016, increasing 3 percent annually thereafter. Given the average closure times per freight train, with average travel speeds of 32-36 MPH in Palm Beach and Martin Counties, the DEIS indicates freight demand alone could result in the Loxahatchee River Bridge closing 5.8 hours/weekday on average and 3.6 hours/weekend day average by 2016. For the St. Lucie River Bridge, the DEIS projects total average daily bridge closures of 6.6 hours/weekday and 3.6 hours/weekend day by 2016.

Passenger Demand: The AAF project proposes to introduce 32 daily trains on the corridor. Combining the projected freight and potential passenger rail demand for the corridor, the DEIS indicates an average operation of 52 total daily trains in year one (2016) of the combined service program, with projected freight increases of 3 percent annually. The cumulative impact of the projected freight and passenger rail services would cause additional navigational delays due to the increase in bridge closings.

- For the Loxahatchee River bridge, the DEIS assumes that project improvements will enable up to ten freight trains to routinely cross the Loxahatchee River bridge simultaneously with passenger trains and that average time/closure would fall from 19 minutes today to 12 minutes per closure in 2016. Accordingly, given proposed project improvements, such as double-tracking the bridge, and the noted assumptions, the DEIS suggests the average daily bridge closure for the Loxahatchee River bridge would increase to 8.6 hours/weekday and 7.2 hours/weekend day (see Table 5.1.3-2 below).
- For the St. Lucie River bridge, the DEIS continues to assume up to ten freight trains will routinely cross with passenger trains on the single-track bridge and that average time/closure would fall from 21 minutes today to 15 minutes in 2016. Given these assumptions and project improvements, the DEIS suggests the average daily bridge closure for the St. Lucie River bridge would increase to 9.8 hours/weekday and 7.6 hours/weekend day (see Table 5.1.3-2 below).

Table 5.1.3-2	Moveable	Bridge Closure	s			
Year	Number of Closures ¹	Average Single Weekly Closure Time (minutes)	Average of Total Weekday Closure time (minutes)	Average of Total Weekday Closure time (hours)	Average of Total Weekend Closure Time (minutes)	Average of Total Weekend Closure Time (hours)
St Lucie River B	ridge					
2013	10	21	241	4.0	165	2.7
2016 No-Action	18	20	397	6.6	213	3.6
2016 Project	42	15	588	9.8	458	7.6
Loxahatchee Riv	ver Bridge (Ju	piter Inlet)				
2013	10	19	214	3.6	156	2.6
2016 No-Action	16	20	351	5.8	216	3.6
2016 Project	42	12	515	8.6	434	7.2
New River Bridg	e					
2013	10	19	147	3.5	147	2.5
2016 No-Action	16	19	360	6.0	197	3.3
2016 Project	30	13	414	6.9	314	5.2

Source: AMEC. 2014a. Navigation Discipline Report for the AAF Passenger Rail Project from Orlando to Miami, Florida. July 2014.

According to the DEIS, the additional bridge closures would result in delays for recreational and commercial mariners at both bridges. The percentage of total boaters experiencing delays after the AAF project is operational is anticipated to increase from 14 percent to 42 percent of all vessels at the St. Lucie River Bridge and from 25 percent to 42 percent at the Loxahatchee River Bridge. The DEIS indicates the average queue length for boaters would be 10 vessels or fewer.

However, given the higher boating activity counts provided by JID and Martin County, it would appear the number of boats queuing at bridges would be considerably greater, which could create navigational hazards for vessels awaiting bridge openings. The data and analysis provided in the DEIS appears inaccurate given the updated boater counts. The U.S. Coast Guard has initiated a marine navigational survey to assess public concerns regarding navigational constraints at the movable bridges, including consideration of modifications to the Code of Federal Regulations regarding bridge operations. These data should also be considered in an updated marine navigational survey. In conjunction with the U.S. Coast Guard, a revised navigational survey should be provided as part of the final EIS that distributes both boating and rail activity across a 24-hour spectrum to more accurately identify impacts. This survey should also consider modifications to bridge regulations to reduce impacts to navigation.

Bridge Safety: The two movable bridges date back to the 1920s, and substantial concerns have been raised regarding their safety and structural integrity. Despite requests from local governments, no bridge safety or inspection reports have been made available for review regarding these concerns. With cooperation from the FECI, independent bridge inspections should be conducted to confirm the continued safety and structural integrity of the bridges to accommodate the proposed increase in operations.

Recommendation:

- In coordination with the U.S. Coast Guard, an updated marine navigational study should be conducted utilizing more accurate data related to boater traffic, marina locations, numbers of slips, and boater access and addressing safety issues from the queuing of boats awaiting bridge openings. This survey should evaluate the distribution of boating activity and railroad bridge closures across a twenty-four spectrum to more accurately evaluate impacts on navigation. The study should also consider the findings of the ongoing U.S. Coast Guard marine navigational survey and appropriate modifications to the Code of Federal Regulations to reduce impacts on navigation.
- Independent bridge inspections should be conducted for the Loxahatchee and St. Lucie River railroad bridges to determine their safety and structural integrity.

Navigational Mitigation Measures: The DEIS indicates the project proposes several mitigation measures, including the establishment of a set schedule for the down times of the bridges for passenger rail service, a publicly-accessible bridge closure schedule with anticipated crossing times, notification signals and signage at each bridge to indicate pending bridge closures, coordination plans between AAF and local authorities for peak vessel travel times, and a coordination plan between AAF and the USCG to raise awareness within the boating community. These measures are insufficient to offset the impacts on navigation from the project. Both bridges were constructed in the 1920s, and substantial rehabilitation of bridge mechanics could increase the speed and predictability of bridge operations. Increasing the vertical and horizontal clearance at both bridge apertures (i.e., the space between the pilings as well as between the surface of the water and base of the bridge when closed) would allow multiple boats to pass while the bridges are open as well as allow increased passage while the bridges are closed. The DEIS considers the utilization of alternate corridors, such as the CSX, Interstate 95, and Florida Turnpike, for the operation of passenger rail service. These corridors should also be

considered for the relocation of freight traffic, as well as a reduction in total passenger trains, especially during peak boating hours, to further reduce impacts to navigation.

Recommendations:

- The final EIS should consider physical improvements to create taller, wider bridge apertures at the Loxahatchee and St. Lucie river bridges to enable bi-directional traffic, access for more vessels when the bridge is closed, and mechanical improvements to improve the efficiency, timing, and predictability of bridge closings.
- The final EIS should consider an alternative with reduced service on the N-S Corridor, including the relocation of freight traffic onto other rail corridors such as the CSX, especially during peak boating hours.

Taylor Creek Bridge. The DEIS indicates the Taylor Creek Bridge will be rehabilitated as part of the project. Taylor Creek is located just north of the City of Fort Pierce, within an area that contains a substantial number of census tracts meeting environmental justice thresholds. The city has an adopted redevelopment program that includes Taylor Creek as a key point of access for the low-income neighborhoods to the west to access coastal destinations; however, the Taylor Creek railroad bridge is an impediment to access. Upstream of the bridge, there are considerable opportunities for economic development and job creation. To mitigate navigational impacts otherwise created by the project, the Taylor Creek bridge could be rehabilitated with a greater vertical clearance. This improvement would also offer mitigation for the project's environmental justice impacts in this area as well.

Recommendation:

• The project should include improvements to Taylor Creek Bridge to increase its vertical clearance.

Transit Systems

The DEIS describes the relationship between AAF and existing local and regional transit services. Local transit operators are noted, along with intercity motorbus service, Amtrak, and Tri-Rail, which provides commuter rail service on the CSX rail corridor through Miami-Dade, Broward, and Palm Beach counties. The DEIS fails to address the impact of additional grade crossing closures and roadway network delays on the operation of local transit. This impact will especially affect transit-dependent populations along the corridor.

For more than a decade, Tri-Rail has been working with FDOT, local governments, and metropolitan planning organizations for an extension of Tri-Rail onto the FEC rail corridor. Referred to as the "Tri-Rail Coastal Link," service plans include additional commuter rail service operating between Jupiter and Miami, with rail interconnections in West Palm Beach, Pompano, and Miami. Tri-Rail service represents a significant public investment and provides critical mobility within the region. AAF representatives have indicated AAF stations are being designed to accommodate future Tri-Rail service; however, this data is not provided in the DEIS. Terms of access must also be established to enable Tri-Rail service to operate on the FEC rail corridor, but there is no reference in the DEIS regarding this need.

Recommendations:

- The final EIS should include an analysis of the operation of Tri-Rail service on the FEC rail corridor, a requirement to establish reasonable access to the corridor for Tri-Rail service, and clarification that AAF stations are designed to accommodate future Tri-Rail service in the most efficient manner and at the lowest cost to the public.
- The final EIS should include an analysis of impacts on local transit service caused by grade crossing and other delays in the local roadway network.

Bicycle and Pedestrian Circulation

The DEIS evaluates impacts on the roadway, aviation, rail, and transit services; however, the evaluation of impacts on the local roadway network fails to address the multi-modal characteristics of the system. The FEC rail corridor traverses a highly developed urban corridor with a linear pattern of historic downtown communities. The DEIS indicates the population of the 117 census tracts within the project study areas is approximately 535,000. The corridor contains a high proportion of persons at or below the poverty level. The DEIS indicates that within the N-S Corridor alone, there are more than 23 census tracts with concentrations of low-income persons. The corridor population tends to include a higher proportion of persons without access to personal vehicles, with greater needs for safe bicycle and pedestrian access. Improvements within the N-S Corridor will include the installation of a second track, and with the higher speeds, FRA staff has indicated fencing will be required as pedestrian activity is extensive.

Although not addressed in DEIS, AAF LLC has indicated to local governments and the Florida Department of Transportation that it would bear the costs of all grade crossing safety improvements required for the construction of the project. In addition to vehicular improvements, given the low-income, transportation disadvantaged populations that line the corridor, the project's safety improvements should also include the installation of bicycle/pedestrian infrastructure to accommodate safe egress across the corridor and mitigate project impacts. In addition, there are many locations where grade crossings are more than one mile apart, with expansive residential development between crossings. There is substantial evidence of pedestrian activity crossing the rail corridor between the grade crossings in the form of informal well-used trails. This long-standing access provides these low-income populations access to jobs, school, food, medical care, and emergency services. FRA staff has also indicated the requirement of barrier fencing along the corridor to prevent pedestrian access, which will harm the ability of these populations to access basic needs (Exhibit 4). Accordingly, impacts on these low-income neighborhoods should be further mitigated with the installation of pedestrian grade crossings in locations of known pedestrian activity where vehicular grade crossings are more than one mile apart.

As a linear transportation corridor that connects historic communities, the FEC Rail Corridor has long been identified for the installation of a multi-use pathway for non-motorized users. As a "rail-with-trail," this improvement is identified in the plans of local governments as well as the metropolitan/transportation planning organizations in the region. The inclusion of a multi-use

pathway in the FEC right-of-way would allow safe bicycle/pedestrian access within and between corridor communities, further diverting automobile trips from the roadway network, thereby reducing carbon emissions, and enhancing access for transit-dependent and low-income populations along the corridor.

Recommendations:

- The final EIS should include a requirement for the installation bicycle/pedestrian infrastructure, including gates, lights, and crossing arms, at all grade crossings as part of the project's safety improvements. In addition, the final EIS should include the installation of pedestrian grade crossings in locations of known pedestrian activity where grade crossings are more than one mile apart.
- The final EIS should include a requirement for fencing in areas of known pedestrian activity to channelize pedestrian traffic into formal pedestrian crossings.
- The final EIS should include a requirement for the establishment of a multi-use pathway along the N-S Corridor.

Public Safety

The introduction of 32 high-speed trains, coupled with increasing freight traffic on the FEC rail corridor, poses significant impacts on public safety. There are substantial concerns regarding the roadway impact analysis presented in the DEIS, which relied upon a limited sample of ten grade crossings among five counties to evaluate roadway impact. The close proximity of multiple high-volume roadway intersections in the vicinity of grade crossings could have adverse effects on emergency response by fire rescue, ambulance, and police first responder vehicles. These impacts are compounded near movable bridges, where the crossing of multiple trains, either concurrently or sequentially, could result in up to a half-dozen grade crossings closed simultaneously by 8000+ foot freight trains. Consequently, both direct and alternate routes to hospitals and other critical infrastructure could be blocked, resulting in significantly impeded emergency response times.

The DEIS indicates a real-time communication system for first responders to access train schedules and potential delays will be available; however, no specific data or detail was provided. The DEIS also indicates the availability of an electronic system of notification or access for first responders for locating train schedule and en route activity. Access to real time train location during emergency response would greatly reduce response times to hospitals. This could be accomplished through software interface with county 911 dispatch centers.

The project's impacts on the Loxahatchee River and St. Lucie River also pose substantial impacts to public safety. The Loxahatchee and St. Lucie River drawbridges have direct impact on commercial, recreational and emergency response vessels. The DEIS indicates the number of boaters experiencing delays at the bridges will increase to 42 percent of all boaters. With updated boater activity data as noted in this report, the number of boats anticipated to queue at bridges, especially on weekends and peak boating days, could exceed thirty boats. Currents at the bridges are substantial, which will likely result in navigational conflicts.

First Responders in marine fire rescue, advanced life safety, and law enforcement vessels will be restricted by the closures of the bridges. Formal coordination with county emergency management and first responder agencies will greatly enhance understanding of response needs and provide a better understanding of capabilities. The DEIS indicates first responder training and outreach as mitigation to ensure that needs are met regarding emergency response; however, to date, this early coordination has not been accomplished.

Loxahatchee River Bridge. The DEIS indicates the average daily bridge closures at the Loxahatchee River drawbridge will increase to 8.6 hours/weekday and 7.2 hours/weekend day. Safety issues raised specifically for the Loxahatchee River Bridge include the capacity of the Village of Tequesta to provide only one Advanced Life Safety Vessel for responding to marine based emergencies. This vessel is docked on the east side of the bridge and will not have access to the west side should the bridge be closed – delaying emergency response time significantly. This is the only means by which water-based emergencies can be reasonably addressed within the Loxahatchee River. To mitigate this impact, an additional life safety vessel should be located on the west side of the bridge. The Loxahatchee Bridge width is 40 feet in width, which prevents bi-directional boating traffic, and has a 4-foot vertical clearance when closed, which prevents virtually all motorized vessels from transiting the bridge when closed.

This safety issue could be alleviated with a wider, taller bridge opening, which would reduce the number of boats idling in the channel areas. Long-term mitigation of this issue better serves public safety given the expected increase of 3 percent annual growth in freight service and potential increases in ridership of the passenger rail indicated by the DEIS. Increased horizontal and vertical clearances, or bridge replacement with a thinner bridge profile, would allow more vessels to transit the bridge when closed and help mitigate public safety issues. In addition, improvements to bridge systems would expedite the opening and closing cycles improving delay times and boater safety risks through emergency response improvements.

St. Lucie River Bridge. The DEIS indicates the average daily closures at the St. Lucie River Bridge will increase to 9.8 hours/weekday and 7.6 hours/weekend day. The width of the bridge opening is 50 feet, which prevents most bi-directional boating traffic, with a vertical clearance of 7 feet. Safety impacts at this bridge could be mitigated with a wider, taller bridge opening, which would enable more boats to transit the bridge when closed, reducing the number of boats idling in the channel. Other mitigations could include bridge replacement or substantial augmentation for horizontal and vertical clearance as well as mechanical improvements to expedite the opening and closing cycles and reduce boater delay.

Recommendations:

• The final EIS should include an emergency response traffic analysis, including a detailed analysis of impacts on emergency vehicle trips, route data, access to hospitals and critical infrastructure, and key roadways and intersections to maintain timely emergency response. This analysis should be conducted with consultation from local emergency management, fire rescue, and hospital representatives.

- The final EIS should include measures to improve communications for emergency response, such as the provision of real-time information for the dispatch of first responders.
- The final EIS should require the project provide a second emergency response vessel upstream of the Loxahatchee River Bridge.

Air Quality

The air quality analysis in the DEIS evaluated the emission of air pollutants from the project, the concentrations of pollutants in the regional areas, and carbon monoxide concentrations at intersections affected by changes in traffic patterns. All six counties crossed by the project are in attainment for all criteria pollutants. The DEIS concludes the project would provide a net regional air quality benefit as compared to the No-Action Alternative, with improved regional air quality through the reduction of vehicles from the roads and highways when riders switch to use the proposed passenger rail service. The DEIS states the project would decrease emissions of carbon monoxide, nitrogen oxides, sulfur dioxide, volatile organic compounds, and particulate matter. The DEIS indicates the project will have a beneficial effect on air quality because the daily vehicle trips will be reduced on roadways and annual vehicle miles traveled will decrease. These changes will result in emissions reductions and provide an overall net benefit for the air quality of the region.

However, the DEIS does not appear to consider two sources of potential emissions, including vehicles delayed within the roadway network as well as marine vessels awaiting bridge openings. As discussed above, the DEIS provides insufficient data to determine the full impact of vehicular delays, including bridge impacts on the roadway network as well as closely spaced railroad crossings and vehicular intersections. Further, the DEIS utilizes inaccurate boater data regarding the number of vessels transiting the Loxahatchee and St. Lucie River railroad bridges, which appears to underrepresent both the total number of vessels as well as the number of vessels anticipated to be idling in queue during bridge closures. Additional analysis is needed to more accurately assess the associated vehicle and vessel emissions and corresponding accumulated air quality impacts.

The DEIS indicates the EA prepared in 2012 for the West Palm Beach to Miami section modeled air quality emissions at intersections and grade crossings, where vehicle congestion may occur, using a CO hotspot screening method. Motor vehicles emit CO at high rates when they are operating a low speeds or idling in queues. The EA evaluated the most congested intersections in the vicinity of the proposed stations and railroad crossings. The modeling showed that traffic did not exceed air quality criteria in either the opening year or the build-out year at any of the intersections or grade crossings. Traffic volumes and congestion at the crossings in the West Palm Beach to Orlando segment are projected to be lower than those found for the highest-volume grade crossing evaluated in the West Palm Beach to Miami section evaluated in the 2012 EA. Therefore, a detailed hot-spot CO modeling evaluation was not conducted for this DEIS, because traffic delays did not exceed those at the higher-volume grade crossing, which did not exceed air quality criteria.

In order to address temporary construction impacts to air quality, the DEIS includes the following mitigation measures and project commitments: implementing best management practices (BMPs) during construction, such as soil watering to reduce fugitive dust emissions, to reduce potential emissions during construction; and keeping constriction equipment on site for the duration of construction to minimize emissions associated with transporting this equipment.

Recommendation:

• The final EIS should include a more extensive analysis of vehicle and vessel delays, accumulated impacts on air quality, and appropriate mitigation measures.

Noise and Vibrations

The DEIS indicates there would be long-term noise and vibration impacts from operation of the project, and temporary impacts from construction of the project. Along the N-S Corridor, AAF has committed to installing stationary pole-mounted wayside horns at each of the 159 grade crossings between Cocoa and West Palm Beach where severe, unmitigated impacts would occur using locomotive-mounted horns. Using wayside horns at the intersection instead of the locomotive horn has been shown to substantially reduce the noise footprint without compromising safety at the grade crossing. The use of wayside horns would eliminate any severe impacts and would reduce noise levels in comparison to the No-Action Alternative. An alternative measure is the designation of quiet zones along the corridor, wherein sufficient safety infrastructure is installed to reduce risk indexes at grade crossings, rendering train horns unnecessary. Many local governments have requested AAF support the establishment of quiet zones where appropriate in conjunction with the development of the project, which could help mitigate project impacts.

The project would result in vibration impacts along the N-S Corridor due to nearly doubling the number of vibration events as a result of adding passenger train service to the existing freight operations. Along the N-S Corridor, there would be potential vibration impact at a total of 3,317 residential, 513 institutional receptors, three television studios, three recording studios, nine auditoriums and three theaters. AAF proposes to minimize vibration impacts by wheel and rail maintenance that will control unacceptably high vibration levels. The DEIS indicates vibration levels are not projected to exceed structural damage levels at any location.

The DEIS fails to acknowledge the high concentration of hospitals and medical establishments along the corridor, including hospitals that abut the FEC right-of-way. These facilities are especially affected by noise and vibration, and a separate analysis should be conducted to identify all medical/hospital locations and analyze noise and vibration impacts on their function and operations. Additional buffering via landscape and hardscape improvements may be necessary along with other mitigations to reduce impacts on these facilities.

Noise and vibrations from the construction and operation of the proposed project has the potential to impact the quality of life of citizens in the region. In addition to the ways of reducing noise and vibration impacts from the operation of the project discussed above, AAF has committed to mitigate the adverse impacts of construction noise by a range of measures

including time of construction, modifications to construction equipment, and selection of construction routes. However, the evaluation of Historic & Cultural Resources section of this report notes that not all historic buildings and structures have been properly identified along the proposed rail corridor. The DEIS contains insufficient information until the potential impact of vibrations an all historic buildings and structures is evaluated. Also, Council received correspondence from Joel Tallent regarding the potential impact of Rayleigh waves on structures along the corridor. This issue should also be addressed in the final EIS.

Recommendations:

- All historic buildings and structures adjacent to the rail corridor should be evaluated for the potential impact of vibrations.
- A medical facility assessment should be conducted to confirm location of all hospital/medical facilities, analyze noise and vibration impacts, and determine appropriate mitigations to reduce impacts.
- The impact analysis of noise and vibrations should specifically address the effect of Rayleigh waves.
- The final EIS should include sufficient infrastructure to enable local governments to designate quiet zones as deemed appropriate along the corridor.

Coastal Zone Management

The project lies within the designated Florida Coastal Zone and requires a federal consistency determination under the Coastal Zone Management Act. The Florida State Clearinghouse coordinates the review of proposed federal activities, requests for federal funds, and applications for federal permits other than permits issued under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Regional planning councils and local governments may participate in the federal consistency review process by advising the Florida State Clearinghouse on the local and regional effect of proposed federal actions.

The DEIS indicates that direct effects to the natural resources in the coastal zone will result from all elements of the project, including construction of the vehicle maintenance facility, bridge and rail construction along the E-W Corridor, and bridge construction along the N-S Corridor. Within the Treasure Coast Region, bridge construction/reconstruction would impact small areas of aquatic resources within the Indian River and the Jensen Beach-Juniper Inlet Aquatic Reserve. All construction activities associated with the N-S Corridor would occur within the existing FECR Corridor. The DEIS proposes a range of mitigation measures and commitments to avoid and minimize project related impacts to coastal resources. Detailed mitigation plans for impacts to wetlands, essential fish habitat, and wildlife will be determined in the federal and state permitting process. The DEIS contains sufficient information related to coastal zone management.

Climate Change

The DEIS includes a discussion recognizing that southeast Florida is particularly vulnerable to the effects of climate change, especially sea level rise. Sea level is predicted to rise 9 to 24 inches by 2060, and the rate of change is projected to increase over time. Florida may also be

susceptible to more intense storm events. The potential impacts of climate change include the displacement of communities, damage to infrastructure, and damage to natural systems. The DEIS indicates bridge structures in the N-S Corridor will have increased vulnerability over time, and potential infrastructure damage may result from flooding, tidal damage, and/or storms. The DEIS notes that bridge vulnerability to sea level rise will increase a sea level rises. As a result, there may be increasing periods of time where the train is out of service during storm events.

The DEIS states that scientific consensus has identified human-related emission of greenhouse gases above natural levels as a significant contributor to global climate change. Reducing greenhouse gas (GHG) emissions is considered an important mitigation strategy to decrease the long-term effects of climate change. The DEIS indicates that the AAF project is predicted to reduce GHG emissions for carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). The project would decrease emissions as a result of decreased automobile vehicle miles traveled. CO₂ emissions are calculated to decrease by 19,617 tons/year in 2019 and 31,477 tons/year in 2030. CH₄ emissions would decrease by 4.7 and 5.7 tons/year, respectively, and N₂O emissions by 5 and 6.1 tons/year in 2019 and 2030. The DEIS notes that reducing GHG emissions is important for long-term climate change effects, but the reduction of GHGs will likely have little impact on the expected climate change effects over the next 20 or 30 years. **The DEIS contains sufficient information related to climate change.**

Hazardous Materials & Solid Waste Disposal

Subsurface contamination or waste materials. The DEIS conducted records search and field reconnaissance to sites rated medium and high risk by which contamination of soil and/ or groundwater by petroleum or hazardous materials has occurred, contamination may exist and where the potential for contamination of petroleum or hazardous materials exists due to past or present land use in close proximity to the project N-S Corridor area. The N-S Corridor remains within the existing FECR Corridor, and no land acquisition is required. A buffer of 200 feet on each side of the N-S Corridor was defined in the search and screened area. No historical concerns were identified within the environmental documents and historical aerials along the corridor, and therefore, field reconnaissance was used to assess the sites in close proximity to the project area to identify sites that potentially could impact the human environment from contaminated soil, groundwater and/or other hazardous materials.

There were 215 high risk and 48 medium risk sites adjacent to the N-S Corridor that were inspected, and several sites outside the 200-foot buffer from the 100-foot wide existing active railroad were also visited for possible soil contamination, dead or stressed vegetation or refuse indicating the presence of pollutants, toxic or hazardous materials. A total of 238 sites were identified as potentially contaminated sites, including 101 high-risk, 23 medium-risk, and 114 low-risk with 99 sites rated as no-risk.

The proposed work for the N-S Corridor is to be completed within the existing FECR Corridor, and the DEIS indicates it will present minimal subsurface disturbance. No impacts from existing contaminated areas are anticipated. For any contamination that is discovered, the DEIS indicates the implementation of BMPs during construction to include special waste handling, dust control, and management and disposal of contaminated soil and groundwater to provide adequate

protection to workers and nearby sensitive environmental and human areas. Site remedial actions will ensure nearby or adjacent potentially impacted areas are adequately protected and contaminated substances will be managed in accordance with applicable federal, state, and local laws and regulations as listed in this DEIS. The DEIS adequately addresses the issues of subsurface contamination and waste materials.

Secondary and Cumulative Effects. The DEIS has adequately addressed the hazardous materials elements of the proposed project. Indirect effects related to subsurface contamination or waste materials management could exist if the No-Action or Action Alternatives potentially impact an ongoing remediation of a known release or mediated materials following construction or waste in transport to another site or waste mitigation area. No indirect effects were identified for the No-Action Alternative; however, a secondary effect related to subsurface contamination or waste materials management could exist if an Action Alternative has the potential to cause an impact. The No-Action and all Action Alternatives could result in an indirect impact should a spill from a freight train occurs along the N-S Corridor.

Construction activities may generate releases or spills as a result of the storage and use of hazardous materials associated with construction equipment, storage tanks and pipelines. AAF has indicated that any new facilities constructed will be subject to applicable regulations, and a new *Spill Prevention, Control and Countermeasure Plan* would be implemented to reduce risk of releases. All construction hazardous materials will be disposed of in accordance with state and local laws and would include off-site facilities such as landfills, recycling centers, and treatment plants.

Passenger Secondary Impacts. The DEIS addresses hazardous materials spills/releases as related to soil and ground contamination. However, it does not address the potential hazardous materials releases from freight trains in proximity to a passenger train. Since the passenger trains are to be running adjacent to, with, or passing freight trains, there is a potential for train derailment and subsequent hazardous materials releases impacting passengers. The DEIS does not adequately address impacts, response or mitigation of freight train hazardous materials spill/release in proximity of passenger trains.

The DEIS suggests outreach and training with local first responders but does not elaborate or identify details of outreach and capacity of training. Additional information should be provided regarding railroad interaction with local first responders in derailment and hazardous materials response capabilities and operational interaction with local agencies.

In addition, the list of Hazardous Materials Currently Transported on FECR Corridor included in the DEIS is not exhaustive of chemical materials carried by rail, but instead, it only addresses chemical materials in relation to the identified contaminated sites for the DEIS. More data regarding the universe of potential chemicals to be transported is needed for appropriate response planning by emergency management and first responder agencies.

Recommendations:

• The final EIS should include an analysis of the potential impacts, the adequacy of emergency response and operational interaction among local agencies, and

- mitigation measures for freight train hazardous materials spills/releases in proximity of passenger trains.
- Additional data is needed regarding the entire range and frequency of chemical materials that could be carried on the corridor.

Water Resources

The DEIS analyzed project impacts to surface water and groundwater resources, including navigable waters, Outstanding Florida Waters and impaired water bodies. Constructing the project in the N-S Corridor would not create new impervious surface or alter the existing drainage system because the project will utilize the existing rail corridor, which originally included two rail lines. The majority of the original second line was previously removed, but the track bed remains. The project would include reconstruction of the second line on the existing track bed. Reconstructing the second rail line within the existing roadbed would not create new impervious area. Also, the adjacent surface drainage is not expected to be impacted with the reconstruction of the second line. The existing cross drainage facilities on the adjacent roadways span the entire right-of-way width and would not require modification for installation of the second rail line on existing roadbed.

Water quality and quantity concerns associated with reconstructing the rail bed to add a second track are to be addressed as part of the Florida Environmental Resource Permit process. Drainage would be accommodated using an existing channel along the north or south side of the right-of-way. In some cases, this would require relocating existing drainage channels. No construction would occur that would potentially contact or impact groundwater supply. Constructing the rail in this corridor is not expected to result in a substantial impact to groundwater or aquifer recharge. Surface water resources would experience minor direct effects as a result reconstructing or replacing 18 bridges along the N-S Corridor. Direct permanent impacts would include installing concrete pilings and abutments within surface waters. No permanent adverse impacts to surface water quality or adverse impacts to Outstanding Florida Waters are expected to be caused by the bridges.

The N-S Corridor would overlap the eastern border of an aquifer protection area within Palm Beach County. The proposed improvements would not increase impervious surfaces in aquifer stream flow and recharge source zones. No adverse impacts to the aquifers are expected. The N-S Corridor passes through several wellfield protection zones in Brevard, Indian River, St. Lucie, Martin, and Palm Beach counties. Each of these counties has policies and regulations, in the form of wellfield protection ordinances, to protect drinking water supplies from contamination. The project would comply with all local ordinances for protection of the wellfields. Therefore, no impacts to wellfield resources are expected.

The DEIS indicates AAF will provide water quality mitigation and stormwater treatment as part of the project to mitigate for project related impacts. Specific measures would be determined by and in compliance with permit requirements. Temporary effects to surface waters and groundwater during construction activities will be minimized through the application of BMPs. During construction, AAF will use sediment control BMPs, including installation of turbidity curtains and silt fencing, to protect surface waters. Accidental spills of material such as fuels,

lubricants, solvents, or other liquids that could harm surface waters will be cleaned up in a timely manner in accordance with a spill prevention plan and BMPs. These measures would minimize the potential for temporary effects. **The DEIS contains sufficient information to address impacts to water resources.**

Floodplains

The N-S Corridor crosses the 100-year floodplain and numerous floodplains primarily associated with estuarine and coastal waters. The N-S Corridor also crosses several federal flood control watersheds and waterways including Earman River and Taylor Creek. No construction is proposed at Taylor Creek, and the single-track bridge parallel to Earman River Bridge will not affect flooding. The DEIS indicates the project will not result in significant impacts on the beneficial value of floodplains and would not adversely impact any federal flood control projects. All three action alternatives would require construction within the 100-year floodplain along the N-S Corridor, and the DEIS indicates impacts are unavoidable due to the extent of the floodplains within the study area.

The project along the N-S Corridor would impact 68.6 acres within the 100-year floodplain. The DEIS indicates that floodplain management is not a concern as the project would be limited to the existing FECR Corridor to maximize use of existing infrastructure, minimizing any new landfill requirements. Flood-prone areas occurring within the FECR N-S Corridor were filled during the original construction of the rail line. Filling would be reduced to areas where third track and curve reduction area construction is present, and reduction of flood storage volume from replacement fill would be insignificant. The DEIS has indicated that the N-S Corridor is not anticipated to promote future incompatible floodplain development or increase potential for flood related property damage or risk to human life.

The proposed project will mitigate all floodplain impacts in accordance with state and local laws as related to compensation and permitting. Potential harm to floodplain areas is mitigated by retaining existing elevations where feasible, construction of stormwater structures and retention ponds and minimizing fill in sensitive areas. The DEIS has adequately addressed floodplain issues as related to the N-S Corridor.

Wetlands

The DEIS indicates the project would directly impact a total of about 127.7 acres of wetlands in Alternative A, 164.9 acres in Alternative C, and 157.5 acres in Alternative E. These impacts are to all types of aquatic resources, including streams and waterways, reservoirs, and a variety of natural wetland types. The greatest impact to wetlands is associated with the construction of a new rail line in the E-W Corridor and the new intermodal facility at Orlando International Airport. However, the DEIS indicates direct wetland and aquatic habitat losses within the N-S Corridor through the Treasure Coast Region would total approximately 2.0 acres due to bridge construction. These include streams and waterways, wetland hardwood forest, mangrove swamps and treeless hydric savannah. Regarding indirect impacts, the DEIS indicates the project would impact about 2.58 acres of forested wetlands. Bridge construction activities would require

trimming mangroves adjacent to bridges, which would reduce the quality of the existing habitat as well as altering the light regime within these wetland areas.

The DEIS indicates AAF will minimize impacts to wetlands to the greatest extent practicable during the final design process. This will be accomplished through the permitting process in coordination with a variety of state and federal agencies. AAF has proposed measures to avoid and minimize wetland losses through the use of retaining walls and other methods. AAF will mitigate all unavoidable impacts to jurisdictional wetlands in compliance with the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers (USACE) joint mitigation rule. AAF has proposed to mitigate impacts through the purchase of in-kind mitigation bank credits. AAF cannot determine the amount of compensatory mitigation credit required to offset unavoidable effects until a permit application is submitted to the USACE. **The DEIS contains sufficient information to address impacts to wetlands.**

Biological Resources & Natural Ecological Systems

The DEIS indicates the project would directly impact a total of about 93.0 acres of natural upland habitat in Alternative A, 121.8 acres in Alternative C, and 109.4 acres in Alternative E. These impacts are to all types of natural uplands, but the highest loss of habitat is to forested plant communities. The greatest impact to natural upland habitat is associated with the construction of a new rail line in the E-W Corridor and the new intermodal facility at Orlando International Airport. However, the DEIS indicates that all construction activities proposed for the N-S Corridor through the Treasure Coast Region would occur within previously disturbed areas in the FECR Corridor and would not impact natural communities.

The DEIS indicates the potential loss of wildlife habitat could result in indirect or secondary effects to wildlife such as habitat fragmentation and associated edge effects, such as the loss of genetic diversity of plant and animal populations, increased competition for resources, and physical or psychological restrictions on movements caused by some feature within a corridor that wildlife are unwilling or unable to cross. It is also possible that the operation of the project could displace some individual wildlife populations that are sensitive to noise and vibration. However, these potential impacts have been minimized by siting the project immediately adjacent to an existing transportation corridor (E-W Corridor) or within an existing rail corridor (N-S Corridor). Therefore, the project is not expected to significantly increase fragmentation and noise impacts that do not already exist. The DEIS states AAF will minimize effects to upland habitats and wildlife through implementation of standard construction BMPs and mitigation measures. These include designs to provide wildlife passage under bridges and through culverts in critical areas, and re-vegetation of cleared areas when required by standard BMPs and applicable laws. The DEIS contains sufficient information to address impacts to biological resources and natural ecological systems.

Threatened & Endangered Species

The DEIS describes the analysis of state and/or federally listed species documented or expected to occur in or near the project study area. The analysis identified 38 plant and animal species that are both federally and state listed and 36 plant and animal species only listed by the State of

Florida. As a cooperating agency with the development of the DEIS, the USACE has issued a determination that the project would not jeopardize any listed species or modify any designated critical habitat. This determination was made in coordination with the U.S. Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), and other federal and state agencies. While no significant impacts to sensitive species are anticipated, the USFWS and FWC recommended species specific mitigation measures for each potentially affected federally or state-listed species. The DEIS indicates that AAF has committed to implementing these specific measures to mitigate for potential temporary and permanent impacts to federally listed species or protected species habitat. Many of these measures call for procedures to be implemented during construction of the project. These include a series of mitigation measures to protect the West Indian manatee; wood stork; bald eagle; eastern indigo snake; sea turtle and smalltooth sawfish; Johnson's seagrass; and gopher tortoise. In addition, AAF has committed to conducting pre-construction surveys for the Audubon's crested caracara; Florida scrub-jay; red-cockaded woodpecker; sand skinks; and state-listed plant species. The DEIS contains sufficient information to address impacts to threatened and endangered species.

Utilities and Energy Resources

The DEIS indicates the project would have no, or negligible, effects on utilities and energy resources. Above and below ground electrical transmission and distribution lines are located along and within the existing N-S Corridor through the Treasure Coast Region. Electrical service providers within the N-S Corridor include FPL and the City of Vero Beach. In some locations, poles will require relocation in order to accommodate the new mainline track and upgraded crossings. AAF would coordinate with the affected utilities during final design and prior to construction. Pole relocation is expected to be minimal, and associated with grade crossings and limited sections of the rail corridor where new track is required. The locomotives are planned as diesel-electric units and will not place any additional load on the existing electrical and utility services. Based on the estimated annual quantities of diesel consumption, the impact on energy resources would be negligible. The increase in electrical service/demand due to signals is minimal and will require no major changes or construction of electrical or other utility infrastructure. Improving the railroad crossings could impose temporary and minor disturbances on electrical service. Also, the DEIS indicates the existing FECR Corridor contains underground fiber-optic duct banks containing FECR communications and signals systems. The DEIS states that the Positive Train Control System will use the existing Parallel Infrastructure LLC's fiber optic system within the FECR Corridor. The DEIS contains sufficient information to address impacts to utilities and energy resources.

Communities and Demographics

The N-S Corridor is within the existing FECR Corridor and passes through numerous incorporated Treasure Coast municipalities: Vero Beach, Fort Pierce, Stuart, Jupiter, Palm Beach Gardens, Riviera Beach, and West Palm Beach. The total population of the 117 census tracts within the project study area is 535,868, which represents 15.1 percent of the total population of the six counties traversed by the project. Within the Treasure Coast, 77 census tracts lie within the project study area and have a population of 298,613.

Table 4.4.1-2 Total Population of Census Tracts Crossed by the Project, by County				
Geography (No. of Census Tracts)	Total Population	Total Population of the Census Tracts Transected by the Project		
Florida	18,688,787			
Six County Total	3,541,985	535,868		
Orange (8)	1,133,087	78,632		
Brevard (32)	542,320	158,623		
Indian River (17)	137,004	69,533		
St. Lucie (10)	274,693	35,131		
Martin (20)	145,480	78,352		
Palm Beach (30 - N-S Corridor)	1,309,401	115,597		
Palm Beach (46 - WPB-M Corridor)	1,320,134*	170,687*		
Broward (52)	1,748,066*	220,308*		
Miami-Dade (38)	2,496,435*	157,769*		

Source: USCB. 2011. 2007-2011 American Community Survey 5-Year Estimates: Total Population. http://factfinder2.census.gov/. Accessed Augus 13, 2013; AAF. 2012. Environmental Assessment and Section 4(f) Evaluation for the All Aboard Florida Passenger Rail Project West Palm Beac to Miami, Florida. http://www.fra.dot.gov/eLib/details/L04278. Accessed September 12, 2013.

The application indicates the N-S Corridor would not result in residential displacement, neighborhood fragmentation, or the loss of continuity between neighborhoods. The N-S Corridor is within the existing FECR Corridor and would not displace residences or businesses.

During the construction phase of the project, however, there would be disruptions to automobile traffic and upgrades at grade crossings and bridge rehabilitations would adversely impact travel between adjacent neighborhoods and could potentially impede emergency responders. AAF has indicated it will work with all local communities to minimize traffic disruptions and to maintain emergency access.

Environmental Justice

This section of the DEIS describes the potential effects to minority and low-income populations within the project study area that could result from the project. Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Population and Low-Income Populations*, was issued in February 1994 and requires that federal agencies consider whether a project would have a disproportionately high adverse impact on minority or low-income populations.

The N-S Corridor in the Treasure Coast Region passes through 19 census tracts that meet the established environmental justice thresholds. The DEIS indicates the project would not result in

^{*} Population data, as presented in Section 3.3.3 of the 2012 EA, derives from the 2010 U.S. Census

disproportionately high and adverse impacts to minority or low-income populations. AAF maintains there would be no adverse impacts to environmental justice communities resulting from residential displacement, job loss or neighborhood fragmentation due to the use of property. However, increased rail traffic on the N-S Corridor, especially passing through environmental justice communities may disproportionately impact residents' ability to travel from neighborhoods west of the FECR to adjacent amenities and employment opportunities east of the FECR in a timely manner. Transportation-disadvantaged residents may be especially affected. Further, these communities include a large number of Title 1 schools, which tend to attract large numbers of students and families who walk or bike to school, work, and home often across the rail corridor. The project has not provided sufficient information to make a definitive determination that the project will not adversely impact environmental justice populations.

The project would result in vibration impacts to 3,317 residential parcels along the N-S Corridor, 820 (24.7 percent) of which are within environmental justice communities. All Aboard Florida indicates that vibration impacts would be mitigated using ballast mats beneath rail lines, "frogs" at selected switch locations with nearby sensitive receptors, and special pile-driving methods at selected locations near sensitive receptors during construction. Environmental justice communities would not experience any disproportionate adverse impacts from vibration along the N-S Corridor with the implementation of these measures.

The project would not require the use of land within a park, recreational area or wildlife Section 4(f) resource. The DEIS indicates there would be no disproportionate adverse impacts within environmental justice communities along the N-S Corridor as a result of the loss of Section 4(f) recreational or park resources.

Recommendations:

• The final EIS should provide additional information to definitively determine the project will not adversely impact environmental justice populations including but not limited to access to school and work, neighborhood fragmentation, and access by the transportation disadvantaged.

Economic Conditions

The DEIS describes the potential effects to local economic conditions that could result from the project. Potential long-term direct and adverse effects to local economic conditions would include the loss of municipal property tax revenue from the acquisition of privately owned properties, permanent displacement of existing businesses and associated revenues, and employment displacement. Potential long-term direct and beneficial effects to local economic conditions would include expenditures associated with project operations such as labor, fuel costs, equipment maintenance, insurance, maintenance of right-of-way, and lease payments.

Additionally, local governments would be adversely by increased costs for grade crossing infrastructure, necessitated by the installation of a second railroad track. Each grade crossing is currently governed by a separate grade crossing maintenance agreement, which tend to assign

infrastructure maintenance and replacement costs to local governments. Historically, these agreements have not been accompanied by a set fee structure or forecast to enable local governments to budget for costs over time. This issue is not addressed under economic impacts in the DEIS.

All Aboard Florida suggests the project would increase federal, state, and local government revenues based on jobs created during construction of the project and annual operational activities. An economic benefits analysis was conducted for the project. As indicated in Table 5.4.3-1, constructing the project is expected to generate over 10,000 jobs and generate a total economic benefit of \$3.4 billion.

ction 10,000 Billion	, ,	· · · · · · · · · · · · · · · · · · ·
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Billion	\$75 Million	Φ 4 40 N C:11:
	\$75 WIIIIOI	n \$442 Million
Billion	\$105 Millior	n \$619 Million
Billion	\$150 Millior	n \$887 Million
Million	\$21 Million	s \$126 Million
		· · · · · · · · · · · · · · · · · · ·

While the project is estimated to divert 10 percent of the proposed long-distance passenger rail ridership from airplane passengers to passenger rail service, the estimated lost revenue from the diversion of air passengers accounts for less than 0.1 percent of the airlines' (American Airlines, Spirit Airlines, and Silver Airways) combined annual operating revenue. The applicant maintains the project would not have significant economic impact to the airlines serving Orlando and Southeast Florida nor would potential diversion from other intercity rail services and bus services result in a significant economic impact from lost revenue.

The DEIS indicates the project would not require acquisition of privately owned property along the N-S Corridor, as the N-S Corridor is entirely within the existing FECR Corridor. Since no land acquisition is necessary, the project would not result in the reduction of municipal tax revenue, commercial displacements, or job loss along the N-S Corridor.

Overall, the project is estimated to add approximately \$1.2 billion to Florida's Gross Domestic Product in estimated annual economic development through 2021 and generate approximately \$187 million in annual federal, state and local government tax revenue through 2021. These potential indirect and secondary effects of the project on local economic conditions are summarized in Table 5.4.3-2.

Table 5.4.3-2 Summary of Economic Benefits of TOD Construction and Operations					
		Operations			
Category	Construction	Average Annual	Total (2016-2021)		
Jobs	1,695	389	389		
Labor Income	\$658.8	\$20 Million	\$66 Million		
Gross Domestic Product	\$980.5	\$60 Million	\$204 Million		
Total Economic Value	\$1.8 Billion	\$80 Million	\$284 Million		
Federal. State and Local Taxes	\$187.4	\$14 Million	\$48 Million		
Source: WEG 2014					

Additional indirect economic benefits of the project as described in the DEIS could be realized through savings associated with reduced highway maintenance costs, and reductions in road congestion which would prolong the lifespan of highway infrastructure.

The DEIS indicates the project will create tangible economic benefits to the State of Florida and to the communities through which the project traverses. The information and analysis provided by AAF in the DEIS, however, does not present the net economic benefits of the overall project. A detailed cost/benefit analysis should be conducted to determine, what, if any negative economic impacts might be realized by communities adjacent to the N-S Corridor resulting from increased operations and maintenance costs. For example, costs may be associated with enhanced infrastructure and safety measures that may be required to mitigate project impacts. It is also conceivable that businesses and residences located within a reasonable distance of the N-S Corridor may be negatively impacted by reductions in property values because of the proposed increased freight traffic on the railroad. In addition, the delays anticipated for marine navigation are anticipated to substantially impact the marine industries as well as related industries such as hospitality and tourism. The positive economic benefits of the project need to be weighed against the potential negative economic impacts. The information provided in the DEIS is not sufficient to determine long-term net economic impacts of the project to communities, businesses, or residents.

Recommendations:

- The final EIS should include a more detailed and balanced cost/benefit analysis of the project's economic impacts to local governments, businesses, and residents.
- The final EIS should include a requirement for the establishment of a standardized, predictable, and reasonable fee structure for local governments regarding grade crossing improvements.

Historic & Cultural Resources

The DEIS indicates the portion of the project that traverses the Treasure Coast Region contains several cultural resource eligible for listing on the National Register of Historic Places (NRHP), including the FECR Railway Historic District, three bridges, and five identified archeological sites. The project would return the N-S Corridor to a dual-track system, which was historically in place. The addition of the second track would return the corridor to its historic configuration and historic use as a passenger rail line. The DEIS maintains the NRHP-eligible FECR Railway

Historic District would not be adversely affected by the project. This issue is addressed adequately in the DEIS.

Historic Bridges. The N-S Corridor within the Treasure Coast Region contains a number of bridges, three (Sebastian River, St. Lucie River and Loxahatchee River) that have been identified as individually eligible for listing on the NRHP. The project envisions the demolition of the Sebastian River Bridge and the construction of a new bridge with double tracks within the same footprint. This action is considered an adverse effect that cannot be avoided. AAF proposes to conduct historic research and prepare a Historic American Buildings Survey and Historic American Engineering Record for the bridge prior to its demolition. Consultation with SHPO is ongoing. **This issue is adequately addressed in the DEIS.**

The St. Lucie River and Loxahatchee River bridges would be rehabilitated but not substantially altered. AAF has pledged to continue to consult with SHPO to avoid and/or minimize effects to bridges during proposed rehabilitation work. **This issue is adequately addressed in the DEIS.**

Historic Districts and Structures. The DEIS indicates improvements within the N-S Corridor would remain within the existing right-of-way and will not require right-of-way acquisition from any adjacent historic districts or individual NRHP-listed or eligible historic resources. It has made the determination the project will have no effect on historic resources adjacent to the N-S Corridor or adjacent to at-grade crossings. The DEIS identifies only one historic district on the N-S Corridor – the Union Cypress Saw Mill Historic District in Brevard County. However, the DEIS fails to recognize the presence of several additional historic districts in St. Lucie County, including the St. Lucie Village Historic District and Fort Pierce Downtown Historic District, both of which are bisected by the N-S Corridor, as well as Edgar Town Historic District and the River's Edge Historic District, which abut the N-S Corridor. Each of these historic contains additional historic resources, and it is unclear whether or not these resources have been analyzed for impacts from the proposed project. While the DEIS indicates the project will not adversely impact historic resources, the data is insufficient to make this determination. Potential negative indirect effects may be realized if increased development resulting from the project results in pressure to demolish or destroy cultural resources.

Recommendation:

 An updated historic and cultural resources analysis should be conducted with consideration of all designated historic districts as well as all designated and eligible structures along the corridor to fully assess project impacts.

Archeological Sites: The DEIS identified five archeological sites within the Treasure Coast Region as illustrated in Table 4.4.5-14. The DEIS indicates AAF will continue to consult with SHPO during the design process as needed in order to ensure appropriate sensitivity to the previously recorded archeological sites. It is recommended that SHPO evaluate the four archeological sites, not evaluated by SHPO to determine possible NRHP eligibility.

Table 4.4.5-14 Archaeological Sites Located within the N-S Corridor APE				
FMSF#	Site Name / Address	Site Type	National Register Significance*	
8IR846	Railroad	Malabar-Period Shell Midden and Artifact Scatter	Not Evaluated by SHPO	
8MT1287	Hobe Sound National Wildlife Refuge #3	Prehistoric Campsite and Prehistoric Shell Midden	Not Evaluated by SHPO	
8SL41	Fort Capron	Historic Fort	Not Evaluated by SHPO	
8SL1136	Pineapple	Surface Scatter, Campsite, Homestead, and Farmstead	Ineligible	
8SL1772	Avenue A-Downtown Fort Pierce	Precolumbian Habitation, Midden, Campsite, and extractive Site; Historic American Building Remains, Refuse, and Artifact Scatter	Not Evaluated by SHPO	
* As recor	ded in the FMSF; may requi	re re-evaluation		

The DEIS indicates the project would increase noise and vibration levels above existing conditions in the N-S Corridor, noting these noise and vibration level changes will not adversely impact cultural or historic resources. **This issue is adequately addressed in the DEIS.**

Recreational Resources

The DEIS describes existing recreational properties along with properties that are protected by the Land and Water Conservation Act of 1965. These resources are identified as parks, recreation areas, or wildlife and waterfowl refuges of national, state, or local significance that are available to the public. These resources are all parks and other recreational facilities that have been the subject of Land and Water Conservation Fund Act grants of any type.

Twenty-six resources were identified in the DEIS within 300 feet of the project alignment along the N-S Corridor within the Treasure Coast Region. Two of the resources are bisected by the project – the Hobe Sound National Wildlife Refuge and Jonathan Dickinson State Park. The DEIS indicates all construction will take place within the FECR-owned right-of-way, and no acquisition of new right-of-way within these resource property limits is required. To ensure the safety of users of Jonathan Dickinson State Park, AAF proposes to implement at-grade crossing improvements where the N-S Corridor crosses Southeast Jonathan Dickinson Way, which is an access road connecting the park to U.S. 1.

Two additional resources identified in the DEIS include the North Sebastian Conservation Area and Sawfish Bay Park. Both of these resources are along the N-S Corridor. No land acquisition is planned within either of these resource areas. The N-S Corridor does not cross either resource area. The project also does not appear to affect the use of these recreation resources adjacent to the project in regards to noise, vibration, aesthetics, or access. **Impacts to recreational resources are adequately addressed in the DEIS.**

Summary of Local Government Meetings

To further evaluate regional aspects of the DEIS, Council conducted two public meetings – on October 22, 2014 in the Town of Jupiter and on October 23, 2014 in the City of Fort Pierce. The meetings were attended by representatives of local governments, agencies, legislative and congressional delegation members, and the public. Meeting notes from both meetings are included in as attachments to this staff report. Several issues identified through this additional due diligence have been incorporated into the staff report. (See Exhibits 5 and 6)

Summary of Comments from Local Governments, Agencies, and the Public

The proposed AAF project has been the subject of extensive discussion and deliberation by local governments, agencies, Council, and the public. Correspondence received by Council related specifically to the DEIS is noted below:

- DEIS comments received from the Town of Jupiter, dated November 10, 2014 (Exhibit 7)
- DEIS comments received from the City of Fort Pierce, dated November 14, 2014 (Exhibit 8)
- DEIS comments received from Mr. Joel M. Tallant, Sr., a resident of Indian River County, dated September 24, 2014 (Exhibit 9)
- DEIS comments received from Mr. Michael J. Kennedy, President Marine Industries Association of Palm Beach County, dated November 20, 2014 (Exhibit 10)
- DEIS comments received from the City of Palm Beach Gardens, dated November 20, 2014 (Exhibit 10).

Additional correspondence and resolutions from local governments, agencies, and elected officials related to the AAF project are included as supplemental material on Council's website.

Conclusion

The AAF project represents the potential for significant improvements to the FEC railway system and for substantial impacts upon the region's transportation network; land use patterns; the natural, physical and social environment; and the economy. As noted in the report, the DEIS does not provide sufficient data in several key areas for a thorough analysis of impacts at the local and regional level. Key data and analysis deficiencies are identified to be addressed in the final EIS. While passenger rail service has historically been supported at the local and regional level, the project as described in the DEIS creates disproportionate benefits and impacts. Areas gaining access to new passenger rail service appear benefitted by improved mobility, air quality, economic expansion, and job creation. However, the lack of access to AAF service in the northern counties provides adverse impacts from the project without any apparent benefits to offset those impacts. The DEIS provides little in the way of analysis or mitigation measures to address this imbalance. The final EIS: 1) should address data deficiencies; 2) include a more thorough analysis of project costs and benefits and suggested mitigation measures and

alternatives; and 3) establish stronger measures to more completely mitigate regional and local impacts and to provide a better balance among the competing forms of transportation.

Attachments

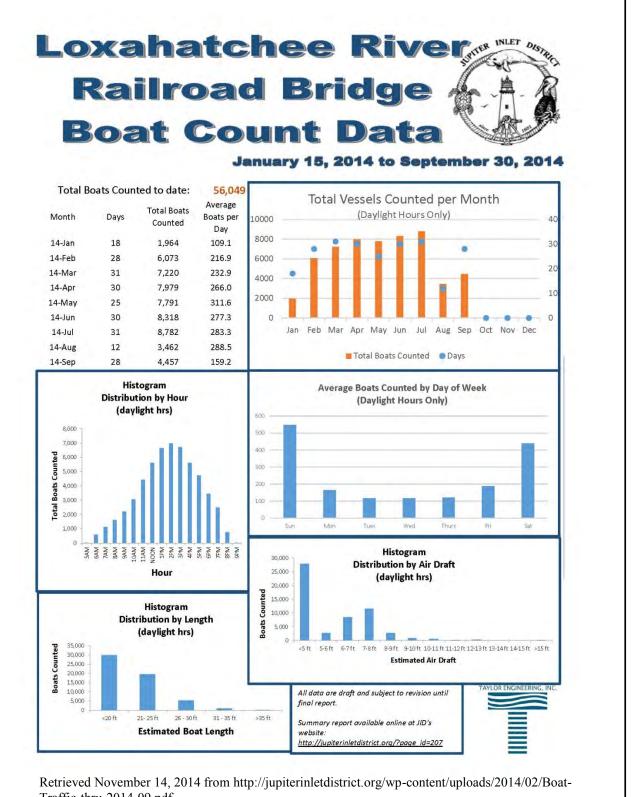
List of Exhibits

Exhibit	
1	Project Map
2	Jupiter Inlet District – Boat Count Data
3	Martin County Report: Potential Impacts - Navigation
4	Federal Railroad Administration On-Site Engineering Reports
5	Staff Summary of the Regional Meeting in Jupiter on October 22, 2014
6	Staff Summary of the Regional Meeting in Fort Pierce on October 23, 2014
7	Correspondence from the Town of Jupiter dated November 10, 2014
8	Correspondence from the City of Fort Pierce dated November 14, 2014
9	Correspondence from Mr. Joel M. Tallent, Sr. – Resident of Indian River County
	dated September 24, 2014
10	Correspondence from Mr. Michael J. Kennedy, President of MIA PBC
11	Correspondence from the City of Palm Beach Gardens dated November 20, 2014

EXHIBIT 1 Project Map



EXHIBIT 2 Jupiter Inlet District - Boat Count Data



Traffic-thru-2014-09.pdf.

EXHIBIT 3 Martin County Report: Potential Impacts - Navigation

Potential Impacts - Navigation



- DEIS overall average 121 boats/day
- Actual average of 235 boats/day
- Peak weekend days 450 per day
- Horizontal clearance Dixie Highway Bridge(Old Roosevelt) is 80 feet; DEIS indicates 58 feet.
- Horizontal clearance St. Lucie River Rail Bridge is 40 feet; the DEIS table indicates 50 feet. Boats must travel single file

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Excerpt from Martin County BOCC Staff Report, 11/18/2014
Title: "Technical Review of the All Aboard Florida Draft Environmental Impact Statement"

EXHIBIT 4

Federal Railroad Administration On-Site Engineering Field Reports



Office of Safety RRS-23 Highway Rail Crossing and Trespasser Program Division

ON-SITE ENGINEERING FIELD REPORT - Part 1

— All Aboard Florida —

Background:

FRA Headquarters, in conjunction with the Region 3 office, assisted in the diagnostic safety review of the Florida East Coast (FEC) Railway grade crossings between Miami-Dade to St. Lucie counties. This is due to High Speed Passenger Rail service being planned between Miami and Orlando, known as "All Aboard Florida". Beginning February 4, 2014 and ending on March 7, 2014, a total of 263 public and private grade crossings were assessed. Participants included officials from Florida Department of Transportation (FDOT), FEC, All Aboard Florida (AAF); including local city and county officials at some locations.

For the purposes of this report, Part 1 represents the diagnostic review taken place from Miami-Dade to St. Lucie Counties. Part 2 designates the diagnostic review from Indian River County to Cocoa Beach, which is expected to occur in mid-to-late June 2014. There are approximately 90 grade crossings in Part 2. The segment between Cocoa Beach and Orlando will be designed for 125 MPH, however, AAF will not be traversing over any at-grade crossings along that rail corridor.

Scope:

Crossing locations between Miami to north of West Palm Beach are being designed for a maximum authorized speed of 79 MPH. The 110 MPH segment begins/ends at 30th Street in West Palm Beach (milepost 297.40), and continues through the Private Road Crossing in Indrio (milepost 233.90). Within the 110 MPH segment, train speeds are lowered to conventional rail limits where civil constraints exist; such as curves or draw bridges, which are noted on the accompanying field design plans.

Currently the design plans are at 30%. The next reiteration will be at 90%. Therefore, the decisions for the grade crossing signaling equipment and warning devices will be determined fairly soon.

The existing crossing signaling equipment contain a mix of signal cases and relay houses, equipped with either Phase Motion Detectors (PMD-1) or HXP 3R2's highway crossing processors.

Each crossing location will eventually consist of relay houses equipped with GE Transportation's ElectroLogIXS XP4 for constant warning time as part of this project. For 110 MPH, the crossing circuits beyond the 79 MPH standard will utilize a GE device linked through the PTC system for the advanced crossing starts. The technology will diagnose a health check to determine whether or not all roadway/pedestrian gates are in the down position.

Results:

Of the 263 grade crossings in Part 1, there are 57 crossing locations affected for Sealed Corridor treatments within the 110 MPH territory. Officials from All Aboard Florida passenger rail project (herein the "Project") have openly expressed that the proposed 110 MPH segment will NOT incorporate the "Sealed Corridor" concept as outlined in FRA's Highway-Rail Grade Crossing Guidelines for High-Speed Passenger Rail, Version 1.0 (November 2009). They stated that since these are "guidelines, not regulations" as quoted on page iii, in which they are not obligated to incorporate any of the described crossing treatments as illustrated in the document. The Project estimates that in doing so would incur an additional financial burden of about \$47 mil.

In my professional opinion, I respectfully disagree with the Project's approach in that they are not exercising appropriate safety practices and reasonable care when designing for High Speed Passenger Rail service. I explained to the entire diagnostic team how important it was to adopt the principles of the Sealed Corridor approach. However, it was clearly evident that the Project was not pursuing such concept.

As a result, the Project has directed their signaling engineering consultants to design crossings to ONLY accommodate for the additional track while complying with the MUTCD - but not to incorporate any of the Sealed Corridor treatments. Furthermore, since there is a completely different philosophical view towards safety between the Project and I, the accompanying marked-up design plans and field notes are <u>notably different</u> from the Project's design plans; particularly along the 110 MPH segment. The Project has been maintaining a running log noting my Sealed Corridor recommendations.

Officials from FDOT's Rail Office are not taking a position, one way or the other, at this time.

Safety Recommendations:

The following are recommendations made to the Project based upon my on-site field assessments during the diagnostic safety review:

A. Pedestrian gates – there are certain locations along the corridor in which sidewalks are present on both sides of the railroad right-of-way, but do not follow through. Some of these sidewalks do not comply with today's ADA's standards, however pedestrian travel is evident due to the worn foot path on the surface, and general witnessing of usage. Typically the roadway gate covers the entrance side of the adjacent sidewalk, but there are no pedestrian gates on the opposite quadrants. The Project stated if there is no agreement with the city or county for the service and maintenance of a pedestrian gate assembly, they will not install them.

Trespassing is an epidemic along this corridor. Rather than encourage it, it is recommended per my field notes at those particular locations to equip sidewalk approaches with a visual and gated barrier. This is to provide safe passage of pedestrians through a very active rail line and prevents those from walking into an open railway corridor; or directing them onto the street – irrespective if there is an agreement or not.

B. Vehicle Presence Detection – for those public and private crossings between 80-110 MPH in Part 1 to be equipped with a Vehicle Presence Detection ("VPD") system. The entire FEC corridor is equipped with Cab Signaling control. Presence detection will serve as a long term obstacle system, where the presence of a vehicle within the crossing area for a fixed length of time would be reported as an alarm through the remote monitoring system, irrespective of the approach of a train. Subsequently, for those 3-Quadrant and 4-Quadrant gated grade crossings between 80-110 MPH (as identified further below), it is recommended that either through the activation of a loop detector and/or a vertical exit gate (indicating a roadway vehicle is occupying the crossing) that a vehicle is detected by the train as a "feedback loop" of information; resulting in a loss of cab-signals, thus placing the train in an automatic speed restriction.

Motor vehicles stalled, or trapped on a crossing due to queuing, present a derailment hazard; and in multiple track territory or where freight equipment is standing on adjacent sidings or industry tracks, derailments can result in catastrophic secondary collisions.

Therefore, presence detection providing feedback to the train control system to high speed

trains traveling along this FEC corridor be active in order to minimize the possibility of derailments as well.

Recommending a VPD system is due to the following safety reasons:

- 1. Field observations with vehicular traffic stopping on tracks
- 2. Safety concerns expressed by city, county and FDOT officials
- 3. Several crossings with reduced or no vehicle clearance at roadway T-intersections
- Vehicles yielding to oncoming traffic while on tracks at non-signalized Tintersections
- Motorists / Commercial Vehicles queuing over tracks due to 4-way stop intersection, and vehicles entering adjacent driveways and parking lots
- 6. The multiple track surfaces enables motorists to make U-turns or cut thru's easier
- 7. Severely skewed crossings
- 8. Acute-angled crossings with main gates perpendicular to the vehicular roadway
- C. Sealed Corridor Treatments the following grade crossing locations are the recommended Sealed Corridor Treatments required by the Project to install:

Street Name	City/Town	Milepost	DOT#
30 th Street	West Palm Beach	297.40	272 406 J
Inlet Blvd.	Rivera Beach	295.45	272 400 T
Flagler Street	Rivera Beach	295.15	272 399 B
Silver Beach Road	Lake Park	293.75	272 389 V
Park Ave	Lake Park	293.30	272 387 G
Richard Road	Palm Beach Gardens	292.20	272 385 T
Lighthouse Drive	Palm Beach Gardens	291.70	272 384 L
RCA Blvd.	Palm Beach Gardens	290.30	272 382 X
Fred Small Road	Jupiter	286.20	273 020 P
Toney Penna Dr. *	Jupiter	284.20	272 378 H
Gleason Street	Hobe Sound	274.50	272 367 V
Bridge Road	Hobe Sound	274.10	272 366 N
Pettway Street	Hobe Sound	272.70	272 365 G
Crossrip Street	Salerno	271.40	272 362 L
Osprey Street	Salerno	270.90	272 934 K
Cove Road	Salerno	267.14	272 359 D
Broward Street	Salerno	266.80	272 358 W
Salerno Road	Salerno	266.60	272 357 P
Seaward Street **	Salerno	266.50	272 356 H

Monterey Road	Stuart	263.30	272 353 M
SR A1A	Stuart	262.50	272 350 S
Florida Street	Stuart	262.30	272 349 X
Palmetto Drive	Rio	257.40	272 342 A
Jenson Beach Blvd.	Rio	256.80	272 340 L
Pitchford Land***	Rio	256.20	272 338 K
Skyline Drive	Rio	255.50	272 337 D
County Line Road	Rio	255.30	272 336 W
Walton Road	Walton	252.50	272 332 U
Midway Road	Walton	246.30	272 331 M
Savannah Road	Fort Pierce	243.80	272 330 F
No. Bch. Causeway	Indrio	239.80	272 218 U
Shimoner Ln. ***	Indrio	239.50	272 217 M
Tarmac Road***	Indrio	239,20	272 215 Y
St. Lucie Lane	Indrio	238.80	272 214 S
Chamberlain Blvd.	Indrio	238.40	272 213 K
Milton Road	Indrio	237.80	272 211 W
Torpey Road	Indrio	237.10	272 210 P
Rouse Road	Indrio	236.70	272 209 V
Michigan Street	Indrio	236.10	272 208 N
Wilcox Road	Indrio	235.60	272 207 G
Harbor Branch Rd	Indrio	235.10	272 206 A

^{* -} Last crossing location (northbound) for proposed Tri-Rail service

^{*** -} Private Crossing

Street Name	City/Town	Milepost	DOT#
36th Street	West Palm Beach	297.10	272 405 C
45 th Street	West Palm Beach	296.65	272 403 N
49 th Street	West Palm Beach	296.30	272 240 G
County Line Road	Hobe Sound	280.90	272 372 5
Park Road	Hobe Sound	277.70	272 370 D
SR A1A **	Salerno	268.65	272 360 X
Avenue A	Fort Pierce	241.30	272 238 F

^{*} *Please note*: if for any reason the Project and the respective municipality cannot agree on the median treatment, then those location(s) be equipped with exit gates.

^{** -} Recommend to be CLOSED

^{**} Medians to be at least 150-feet each approach due to severe roadway skew,

Three-Quadrant Gates (due to a median present on the opposite side)			e side) (6)
Street Name	City/Town	Milepost	DOT#
Blue Heron Blvd.	Rivera Beach	294.90	272 390 P
Burns Road	Palm Beach Gardens	290.80	272 383 E
Hood Road	Palm Beach Gardens	288.50	272 380 J
Donald Ross Road	Palm Beach Gardens	287.20	272 379 P
Indiantown Road	Jupiter	283.60	272 377 B
Orange Avenue	Fort Pierce	241.50	272 239 M

Private (6 locations within 110 MPH)			
Street Name	City/Town	Milepost	DOT#
Miracle Way *	Rio	257.10	272 341 T
Pitchford Lnd **	Rio	256.20	272 338 K
Shimoner Ln **	Indrio	239.50	272 217 M
Tarmac Road **	Indrio	239.20	272 215 Y
Private Road *	Indrio	234.50	272 205 T
Private Road *	Indrio	233.90	272 204 L

^{*-} Recommend locked gate with procedures seeking permission from R.R. dispatch to cross.
**- Recommend the Project to equip with Four-Quadrant Gates (including VPD)

Street Name	City/Town	Milepost	DOT#
179 th Street	Aventura	353.60	272 602 R
141 st Street *	North Miami Beach	356.12	272 609 N
Third Street	Hallandale	350.30	272 591 F
Monroe Street	Hollywood	349.03	272 588 X
Fillmore Street	Hollywood	348.52	272 585 C
Garfield Street	Hollywood	348.07	272 582 G
Dania Blvd *	Dania Beach	345.94	272 574 P
First Street *	Dania Beach	345.81	272 573 H
22 nd Street	Fort Lauderdale	342.96	272 566 X
9 th Street	Fort Lauderdale	341.80	272 661 N
6 th Street *	Fort Lauderdale	341.56	272 559 M
5 th Street *	Fort Lauderdale	341.45	272 558 F
2 nd Street	Pompano Beach	333.31	272 534 S
4 th Street	Deerfield Beach	327.41	272 513 Y
2 nd Street	Deerfield Beach	326.81	272 511 K
Hunter Street	West Palm Beach	303.18	272 450 W
Seaward Street **	Salerno	266,50	272 356 H

^{*-} or possible one-way
**- only crossing to be closed along 110 MPII segment

Conclusion:

Based upon my professional background and experience in regards to grade crossing safety, I strongly recommend officials from All Aboard Florida to adhere to the principles as outlined in the FRA's guidelines for Emerging High-Speed Rail (80-110 MPH). In doing so incorporates the optimum safety practices in the engineering and design of their crossing locations for the following reasons:

- The operating dynamics are significantly changing within the existing environment of the grade crossings, along with an already an active freight operation that will include:
 - The addition of 16 round-trip trains (32 total) at 110 MPH
 - The eventual inclusion of Tri-rail Commuter Rail service, which will add 74 trains.
 - Changing from single track to multiple track configurations.
- II. Densely settled neighborhoods with congested roadways
- III. As many as 5 traffic lanes in the oncoming direction at T-intersections

In summary, as the travelling public begins to assimilate to a substantial increase in railroad operations – by incorporating enhanced railroad signaling technology and increased active highway warning devices are paramount to ensuring safety awareness as both entities interact with one another. Therefore, equipping crossing locations with the recommended actions, as outlined above in this report, will dramatically reduce potential safety hazards and catastrophic events.

Report Respectfully Submitted By:

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March 20, 2014

Frank A. Trey



Office of Railroad Safety RRS-23 Highway Rail Crossing and Trespasser Program Division

ON-SITE ENGINEERING FIELD REPORT - Part 2

— All Aboard Florida ——

RECEIVED SEP 23 2014 REGIONAL PLANNING COUNCIL

Background:

This diagnostic safety review of the Florida East Coast (FEC) Railway corridor, in Brevard and Indian River counties, is the second segment that completes the territory of at-grade crossing locations for this high-speed passenger rail project known as "All Aboard Florida". This report is a subsequent to that of Part 1, dated March 20, 2014.

The onsite assessment began on July 15, 2014 and concluded on July 18, 2014. A total of eighty-six (86) public and private grade crossings were evaluated. Participants included officials from Florida Department of Transportation (FDOT), FEC, All Aboard Florida (AAF), and local city and county officials.

As the AAF passenger rail service route traverses through its grade crossing locations, it will begin/end at the Michigan Avenue grade crossing (milepost 170.56) in Cocoa¹. As the route heads northward, it splits from the FEC corridor and veers along Route 528 towards Orlando on a dedicated railroad right-of-way yet to be built. On the existing FEC corridor, there are four additional grade crossings north of the split that will be part of the signaling enhancement program for this project.

Scope:

Train speeds through Brevard and Indian River counties are being designed for 110 MPH. Beginning/ending at Dixon Boulevard² in Cocoa (milepost 171.52), the 110 MPH segment continues through Highland Drive SE in Vero Beach (milepost 232.86). There are two areas along this segment where train speeds are lowered to conventional rail limits due to civil constraints of railroad bridge structures.

As in previous onsite assessments, all of the existing crossing signaling equipment along this segment will be upgraded to the newest technology as described in the Part 1 Report.

¹ The Part 1 report incorrectly references "Cocoa Beach", where it should have stated **Cocoa** instead. Cocoa and Cocoa Beach are two separate municipalities. The FEC corridor traverses through Cocoa, not Cocoa Beach.

are two separate municipalities. The FEC corridor traverses through Cocoa, not Cocoa Beach.

Although Michigan Ave is the last grade crossing along the AAF route, its maximum speed is 60 MPH due to the train slowing down and transitioning to and from the Route 528 corridor.

Currently the engineering design plans are at 30%. The next iteration for this segment will be at 90%, which is anticipated to be furnished within six months. Accordingly, FRA looks forward to reviewing the revised design plans at that time.

Results:

Of all the 86 grade crossings assessed in Brevard and Indian River counties, there are 64 crossing locations affected for Sealed Corridor treatments within the 110 MPH territory. The remaining crossings already have Sealed Corridor design elements in place; such as existing one-way streets, divided roadways, or have medians. In addition to accommodations for the second track, the remaining crossings would require their medians to be adjusted in length and be equipped with a minimum of 100-feet of non-traversable curbing for each approach.

As mentioned in the Part 1 Report, officials from All Aboard Florida passenger rail project (herein the "Project") did not initially adopt the "Sealed Corridor" concept as outlined in FRA's Highway-Rail Grade Crossing Guidelines for High-Speed Passenger Rail, Version 1.0 (November 2009). However, in a letter dated June 4, 2014 to the Treasure Coast Regional Planning Council, Florida Secretary of Transportation Ananth Prasad, P.E., stated that AAF will be required "to comply with the Federal Railroad Administration's guidelines for rail crossing safety as specified for higher speed passenger rail services." As a result of Secretary Prasad's letter, the Project has since directed its signals consultants to incorporate all of the Sealed Corridor design treatments where applicable along the entire AAF service route. The diagnostic team may have to re-visit the previous 57 grade crossings identified in the Part 1 Report to validate and verify compliance.

Safety Recommendations:

The following are recommendations made to the Project as a result of the on-site field assessments during the diagnostic safety review:

A. Pedestrian gates – there are several locations along the corridor at which sidewalks are present on both sides of the railroad right-of-way, but do not continue through the grade crossing. However, there is active collaboration between the Project and the respective municipality within Brevard and Indian River counties to correct the sidewalk continuity problems. There is a commitment on both sides to equip the existing sidewalks with pedestrian gate assemblies. Their partnership will also target existing and planned roadway

enhancement projects with adjacent sidewalks, including to pre-wire quadrants for roadway projects commencing at a later date.

FRA suggests that consideration be given to the installation of pedestrian swing gates. This would enable pedestrians on the crossing a means of egress to exit the crossing. In order to increase the effectiveness of pedestrian gates, the installation of fencing or other means of channelization should also be considered to deter pedestrians from circumventing the gates. At Four-Quadrant Gate locations, utilizing the vehicular exiting gate as a pedestrian function for sidewalks is not recommended. Separate pedestrian gates should be installed at those respective quadrants, and lowered simultaneously with the entrance gates.

- B. Vehicle Presence Detection as referenced in the Part 1 Report, Vehicle Presence Detection ("VPD") is a critical safety component for those Three-Quadrant and Four-Quadrant gated grade crossings for train speeds between 80-110 MPH. Recommending the installation of a VPD system along the FEC Railway corridor in Brevard and Indian River counties is necessary for the same safety reasons as outlined in the Part 1 Report.
- C. Traffic Signal Preemption throughout the entire diagnostic safety review for this corridor, it has been noted that Traffic Signal Preemption (herein "Preemption") will require extensive study prior to finalization of the railroad's signal plans for this project. Preemption has become an issue of significant concern to FRA resulting in the publication of Safety Advisory SA-2010-02 and Technical Bulletin S-12-01. The following is quoted from the Technical Bulletin:

"Highway traffic signal pre-emption interconnections play a critical role in the overall proper functioning of a highway-rail grade crossing active warning system where such interconnections exist. There are two basic types of preemption: Simultaneous and Advanced. Simultaneous Preemption is that which results in the initiation of the traffic signal cycle at the same time the highway-rail grade crossing warning system is activated. Advanced Preemption results in initiation of the traffic signal cycle prior to the grade crossing warning system being activated. The type of pre-emption installed, and any additional time required for pre-emption operation, will be determined and specified by the public agency responsible for the highway traffic signal in accordance with Section 8C.09 of the Manual on Uniform Traffic Control Devices."

In addition to the requisite for the proper design of both the crossing warning signal system and the traffic signal in terms of Preemption provisions, the FRA Safety Advisory states the need for on-going monitoring and review of grade crossings with Preemption.

The Safety Advisory is grounded by two recommendations made by the National Transportation Safety Board, identified as I-96-10 and I-96-11, regarding a collision between a commuter train and a school bus in Fox River Grove, IL in 1995. The Safety Advisory makes four specific recommendations to provide for safety at Preempted locations, which can be found accompanying this report.

Due to the fact that a number of grade crossings along the corridor are proposed to be equipped with Four-Quadrant Gate warning systems, it is important to point out that the Manual on Uniform Traffic Control Devices (MUTCD) sets forth additional requirements for Preemption where Four-Quadrant Gates are installed. As outlined in Part 8C.06 of the MUTCD, it states the following:

"If a Four-Quadrant Gate system is used at a location that is adjacent to an intersection that could cause highway vehicles to queue within the minimum track clearance distance, the Dynamic Exit Gate Operating Mode should be used unless an engineering study indicates otherwise."

"If a Four-Quadrant Gate system is interconnected with a highway traffic signal, backup or standby power should be considered for the highway traffic signal. Also, circuitry should be installed to prevent the highway traffic signal from leaving the track clearance green interval until all of the gates are lowered."

"Four-Quadrant Gate systems should include remote health (status) monitoring capable of automatically notifying railroad or LRT signal maintenance personnel when anomalies have occurred within the system."

FRA encourages reference to Part 3.1.10 of the American Railway Engineering and Maintenance-of-Way Association (AREMA) guidelines. The information provides recommended design practices of interconnection between highway traffic signals and grade crossing warning systems. This is especially important where station stops or railroad interlockings exist within the approaches to Preempted locations.

FRA recognizes that the design and operation of preemption interconnections, from a traffic signal perspective, are outside the scope of the railroad's direct responsibility. Yet, the safety of the railroad, its employees, and the public both on the roadway and on the train are directly impacted by these systems and their potential failure to provide sufficient time to permit a vehicle or pedestrian to clear the path of an approaching train. Therefore, FRA recommends that thorough coordination take place between the public authority responsible for the operation of the traffic signals and the railroad (which in this case is FEC/AAF).

In summary, due to the inclusion of additional tracks, increase in train speeds, station stops and restarts from sidings within approaches to traffic signal interconnected grade crossings; it is recommended that a thorough evaluation be made of the Preemption needs to determine whether Simultaneous or Advanced Preemption is required at each grade crossing location along the entire AAF service route (Miami through Cocoa). FRA also recommends that an independent consulting firm with extensive expertise in the field of Preemption be part of the assessment in all of the Preempted grade crossing locations. The consultant should have expertise in both traffic signal design and operation, as well as grade crossing signal design and operation. The consultant must also be knowledgeable in the evolving changes to both the MUTCD, and the AREMA Communication & Signal Manual of Recommended Practice.

D. 100-foot Non-traversable Medians – for the purposes of the overall diagnostic assessment, non-traversable medians are also referred as FDOT'S "non-mountable traffic separators". In particular, there are two State design standards; Type F which channelizes storm water runoff, and Type D which has no gutter function. Either design is acceptable as long as the curb meets the State's minimum 6" vertical profile design to prevent motorists from driving over the median. The 100-foot minimum length is measured from the tip of the railroad gate arm and extends along the vehicular travel lane. It is recommended that "no left turn" signs (or other means of notification) are posted to advise motorists that are exiting driveways, parking lots or streets within 100 feet of the gate arm not to travel against the flow of traffic to circumvent the purpose of the median and drive around lowered gates.

E. Sealed Corridor Treatments - the following grade crossing recommended Sealed Corridor treatments were collectively agreed upon by the Diagnostic Team. Please note that further engineering may require a Four-Quadrant location become a Three-Quadrant layout with a median (and *vice-versa*); however, the Sealed Corridor design element will remain.

Street Name	City/Town	Milepost	DOT#
4 th Street	Vero Beach	229.75	272 198 K
Glendale Road	Vero Beach	229.19	272 197 D
12 th Street	Vero Beach	228.66	272 196 W
23 rd Street	Vero Beach	227.31	272 191 M
26 th Street	Vero Beach	227.06	272 189 L
43 rd Street	Vero Beach	225.12	272 179 F
49 th Street	Vero Beach	224.42	272 177 S
69 th Street	Winter Beach	221.80	272 172 H
Hobart Road	Winter Beach	220.70	272 170 U
Old Dixie Hwy	Sebastian	216.00	272 163 J
Malabar Road	Malabar	199.94	272 149 N
Palm Bay Road	Palm Bay	197.46	272 147 A
Lincoln Avenue *	Melbourne	194.07	272 136 M
Silver Palm Ave	Melbourne	193.83	272 133 S
Eau Galle Blvd.	Melbourne	190.10	272 112 T
Creel Street **	Melbourne	189.92	272 123 L
Aurora Road	Melbourne	189.68	272 122 E
Masterson Street	Melbourne	189.32	272 121 X
Lake Washington	Melbourne	188.70	272 926 T
Post Road	Pineda	186.86	272 117 H
Eyster Blvd.	Rockledge	175.57	272 908 V
Peachtree Street	Cocoa	172.90	272 096 S

st - Possible one-way street, to be determined by the city's re-evaluation of a traffic study.

^{** -} Possible Closure

100-foot Non-trave	rsable Medians * (15)		
Street Name	City/Town	Milepost	DOT#
Highlands Drive SE	Vero Beach	232.86	272 201 R
Oslo Road	Vero Beach	231.31	272 200 J
16 th Street	Vero Beach	228.02	272 195 P
Barber Street	Sebastian	218.03	272 974 H
Senne Road	Grant Valkaria	208.13	272 154 K
Valkaria Road	Grant Valkaria	203.00	272 151 P
Jordan Blvd.	Malabar	201.50	272 150 H

University Blvd.	Melbourne	195.34	272 144 E
Strawbridge Ave	Melbourne	194.19	272 138 B
Palmetto Ave	Melbourne	194.13	272 137 U
Hibiscus Ave	Melbourne	193.75	272 132 K
So. Babcock St.	Melbourne	192.39	272 128 V
Parkway Avenue	Melbourne	187.91	272 118 P
Suntree Blvd.	Pineda	182.65	272 115 U
Rosa Jones Blvd.	Cocoa	173.51	272 099 M

^{*} **Please note**: if for any reason the Project and the respective municipality cannot agree on the median treatment, then those location(s) are to be equipped with either a Three-Quadrant Gate with Median or a Four Quadrant Gate system.

Street Name	City/Town	Milepost	DOT#
1 st Street	Vero Beach	230.15	272 199 S
21 st Street *	Vero Beach	227.48	272 192 U
32 nd Street	Vero Beach	226.65	273 047 Y
41 st Street	Vero Beach	225.46	272 180 A
45 th Street	Vero Beach	224.94	272 178 Y
53 rd Street	Vero Beach	223.90	273 108 M
Winter Beach Rd.	Winter Beach	222.32	272 173 P
Wabasso Road	Winter Beach	219.58	272 168 T
99 th Street	Sebastian	217.61	272 165 X
Schumann Drive	Sebastian	216.59	272 164 R
Main Street	Sebastian	214.42	272 161 V
Micco Road	Micco	209.23	272 156 Y
Barefoot Blvd.	Micco	208.99	272 155 S
Shell Pit Road	Grant Valkaria	207.13	272 153 D
1 st Street	Grant Valkaria	205.61	272 152 W
Hessey Avenue *	Palm Bay	197.36	272 146 T
East Fee Avenue	Melbourne	194.00	272 135 F
Seminole Ave **	Melbourne	193.89	272 134 Y
Sarno Road	Melbourne	190.58	272 125 A
Viera Blvd.	Bonaventure	180.28	272 976 W
Ansin Road	Bonaventure	179.40	272 110 K
Carver Road	Bonaventure	179.14	272 109 R
Gus Hipp Blvd	Rockledge	177.13	272 926 T
Barton Blvd.	Rockledge	175.02	272 101 L
Highland Drive	Cocoa	172.45	272 866 L
Dixon Blvd.	Cocoa	171.52	272 095 K

^{* -} Possible Closure

^{** -} Possible one-way street, to be determined by the city's re-evaluation of a traffic study.

Street Name	City/Town	Milepost	DOT#
21st Street *	Vero Beach	227.48	272 192 U
14 th Avenue	Vero Beach	227.14	272 190 F
Hessey Avenue *	Palm Bay	197.36	272 146 T
Jernigan Avenue	Melbourne	195.02	272 143 X
Creel Street **	Melbourne	189.92	272 123 L

^{* -} Three-Quadrant Gate with Median if unable to close

^{** -} Four-Quadrant Gate layout if unable to close

Private (2 locatio	ns within 110 MPH)		
Street Name	City/Town	Milepost	DOT#
Hawks Nest	Vero Beach	223.18	272 175 D
Rinker Way *	Rockledge	176.10	272 908 V

Recommend locked gate with procedures seeking permission from the railroad's Operations Dispatcher to enter.

Conclusion:

Once the construction of the grade crossings are completed, FEC and FDOT must immediately update the existing U.S. DOT Crossing Inventory record for each location to reflect the updated train counts, increased train speeds, additional signage, new ADDT numbers, etc., where applicable. FRA will continue to provide ongoing support and guidance while the Project looks towards achieving its goals relating to safe and reliable high-speed passenger rail service.

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Frank A. Frey September 23, 2014

EXHIBIT 5

Staff Summary of the Regional Meeting in Jupiter on October 22, 2014



TREASURE COAST REGIONAL PLANNING COUNCIL

All Aboard Florida – Draft Environmental Impact Statement Regional Staff Meeting Summary

> Jupiter Community Center October 22, 2014 1:00 – 4:00 pm

NOTE TO READERS: This document reflects general meeting notes and key points of discussion raised during the staff-level meetings held in Jupiter on October 22, 2014 regarding regional issues of concern related to the Draft Environmental Impact Statement for the proposed All Aboard Florida project. General meeting notes were prepared by Dr. Kim DeLaney, TCRPC.

Welcome & Introductions

The meeting was convened by Michael Busha, Executive Director of the Treasure Coast Regional Planning Council (TCRPC). Meeting participants introduced themselves. Attendees included representatives of local governments, agencies, and the legislative delegation. A copy of the meeting sign-in sheet is included with these meeting notes.

Purpose of Meeting

Mr. Busha described the responsibilities of regional planning councils, which include the facilitation of discussion regarding issues of regional importance. He then generally described the proposed All Aboard Florida (AAF) project and environmental impact statement (EIS) process. Mr. Busha explained the requirement for Council to review the EIS and provide comments to the State of Florida, as coordinator of the State Clearinghouse process, as well as to the Federal Railroad Administration, as the lead agency coordinating the EIS process for the project.

Mr. Busha explained the review of a Draft EIS (DEIS) was a sufficiency review, noting the twenty-four topics required to be addressed per the National Environmental Policy Act (NEPA). He posed several discussion questions regarding the sufficiency of the DEIS as published, including whether or not the various items are addressed completely, whether or not the data presented appears to be accurate and complete, if there was local data that differs from the data presented in the EIS, and whether or not the impacts of the project could be accurately assessed with the information provided in the DEIS.

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Overview of DEIS Process & Timeline

Dr. Kim DeLaney, Strategic Development Coordinator of TCRPC, presented a detailed overview of the EIS process, noting the DEIS as the first document for review. Following the receipt of public comments by a December 3, 2014 deadline, the Federal Railroad Administration (FRA) will assess the comments. At an undetermined point in the future, FRA would be expected to publish a Final EIS, addressing the public comments as deemed appropriate by FRA. An additional public comment period of thirty (or more) days would occur, followed ultimately by the FRA's publication of a "record of decision" with an approval of the build alternative, the build alternative with conditions, or a no-build alternative. Subsequently, appeals of FRA decisions would proceed through the U.S. legal system.

Discussion of Key Issues

Mr. Busha then asked meeting participants to raise local and regional issues of concern regarding the DEIS, as noted below.

Transportation: Roadway Network and Grade Crossings

- There is a need for a broader analysis of the roadway network and grade crossings.
 For example, in Martin County, only two grade crossings are analyzed, one of which is Monterey Road, which was analyzed too narrowly with a focus on Dixie Highway but excluding consideration of impacts on US1.
- The DEIS should utilize current data to determine estimated times of delay rather than older traffic counts.
- The Town of Jupiter also noted deficiencies regarding the grade crossing analysis, with the omission of critical grade crossings like Toney Penna Drive.
- The DEIS is vague as to how the project will "optimize" the roadway network how will it reduce delays and mitigate traffic impacts?
- The Town of Jupiter raised concerns about the underlying market studies and ridership base --- What are the assumptions about removing ridership from the road? Where do riders come from? How many riders are in each train? The data provided is too general in its claim that trips will simply be taken off the roadway network.
- Martin County raised questions regarding air quality, indicating that although trips
 could be removed from I-95, there wasn't an apparent discussion regarding the air
 pollution generated by additional roadway network delay at grade crossings.
- The Martin Metropolitan Planning Organization (MPO) raised concerns regarding the relationship between bridges and the roadway network, as long freight trains slowing to cross the railroad bridge would block essentially every grade crossing in the City of Stuart, leaving additional cars waiting for the roadway network to clear. The MPO further noted the only single-track section of the corridor is in the City of Stuart, including the St. Lucie River railroad bridge.
- Martin County noted additional safety and grade elevation concerns given the proximity of the railroad to parallel roads. County representatives indicated this is especially evident in Martin and Indian River counties. Roadways parallel to the

- railroad require a substantial grade differential to bring the grade crossing down from the railbed. At many grade crossings, vehicles stopped at a light are still on the tracks, a condition that occurs frequently with boats on trailers and other trailer vehicles. If the corridor is double-tracked, this condition will be exacerbated.
- The relationship between grade differentials also could lead to a higher incidence of
 passenger rail trains becoming derailed, due to vehicles being stopped on the tracks
 without the opportunity to move.
- TCRPC indicated FDOT could initiate a freight rationalization study to determine
 which of the longer, heavier freight trains could be redirected to the CSX or other
 western rail corridor to reduce impacts. TCRPC also noted the issue of pre-emption,
 which addresses the timing of vehicular grade crossing gates, traffic signalization,
 and approaching trains; has been noted by FRA to improve traffic safety, circulation,
 and reduce delay.

Transportation: Marine Navigation

- According to both the Jupiter Inlet District (which is conducting boater counts at the
 Loxahatchee River Bridge) and Martin County (which is conducting counts at the St.
 Lucie River Bridge), boater counts in the DEIS are well below the counts available
 from these two local agencies. Further, the DEIS boater counts are developed by
 averaging four days of boating activity while the local counts have been collected
 daily for months, which both agencies suggest provide greater accuracy.
- TCRPC indicated the Council recently reviewed navigational conflicts at the two
 bridges pursuant to the United States Coast Guard (USCG) marine navigational
 surveys currently underway. The Council raised concerns regarding the accuracy of
 boater counts, requested AAF trains be required to cross bridges simultaneously with
 freight trains, and requested USCG evaluate opportunities to raise the height of
 bridges to accommodate the passage of more boats while the bridges are closed,
 pending legal interpretation by USCG as to this issue.
- Martin County noted there are several historic bridges, including the Eau Gallie & Sebastian Bridges that could qualify for historic designations; however, both are required to be double-tracked. Not replacing the bridges could present an unacceptable risk to navigation.
- FRA should be requested to provide bridge inspection reports, to document the
 amount of time needed for bridges to open and close (90 seconds?) as well as the
 amount of time the bridges are closed/locked awaiting trains.
- Martin County requested FRA provide evidence of the horizontal clearances (noted as 40' at the Loxahatchee River bridge and 50' at the St. Lucie), with an evaluation as to how the bridge openings can be widened.
- Marine Industries Association of the Treasure Coast (MIATC) indicated the need for both bridge openings to be widened and aligned at the St. Lucie River bridge.
- The Town of Greenacres asked whether or not the bridges themselves can be reconstructed to be made narrower/shallower, perhaps with different beam configurations, to enable wider/taller openings.

- Florida Inland Navigational District (FIND) suggested consideration of a staging area and/or bollards for larger commercial traffic to tie up while awaiting bridge openings. The agency noted the fenders at the bridge are hit routinely by commercial traffic.
- FIND also suggested the mitigation measures, such as a smartphone application and countdown clock need greater clarification as their descriptions in the DEIS are vague.
- It was noted that when vehicular bridges open for marine traffic, the bridges remain
 open until the marine traffic has cleared. Similar considerations were suggested for
 modifications to the Code of Federal Regulations regarding the railroad bridges.
- Martin County indicated the number of slips estimated in the DEIS is not what the
 County believes is the actual number. The counties and local governments were
 requested to provide counts regarding the number of slips, boat ramps, and marinas
 upstream of the bridges.

Transportation: Other Transit

 The Martin MPO indicated an assessment in each county was needed to indicate the number of times transit routes cross the tracks, as delay from trains will cause delays within the fixed-route system. The transit system relies on timed transfers, and schedules will be impacted by train delays. The agency noted Brevard County's transit crosses the tracks 115 times per day.

Transportation: Bicycle/Pedestrian

- The Martin MPO indicated that AAF should be required to install bicycle/pedestrian
 crossings at all grade crossings as part of the project. The agency noted that during
 the diagnostic field reviews, the FRA recommended crossing gates for pedestrian
 facilities be separated from vehicular crossing gates.
- It was also suggested that where grade crossings are more than one mile apart, AAF
 should be required to install a pedestrian crossing to reduce risk and increase safety.
 This is especially important considering the anticipated fencing to be installed as part
 of the project.

Transportation: Public Safety & Emergency Response

- Concerned were raised regarding the details of sealed corridor treatments, as the 30% plans only show grade crossing improvements but not what will be installed between grade crossings.
- The Town of Jupiter raised concerns that additional train traffic will cause delays for the transport of persons to the hospital.
- Martin County indicated the need for more information regarding where trains may be cued, whether or not slow-moving or stored trains will conflict with grade crossings, and the related safety impacts.
- TCRPC indicated the Village of Tequesta police/fire boat would likely need to be duplicated upstream of the bridge.

- The City of Palm Beach Gardens indicated the project would need to be implemented with a considerable public outreach effort regarding safety, details of the new service, the speed and volume of the trains, and grade crossing details.
- FIND raised concerns regarding hurricanes and storm events, noting that boats tend to
 be repositioned two to three days prior to the arrival of a storm. As railroad bridges
 are closed and locked once winds reach 35 MPH, then more openings will be needed
 immediately preceding storm events to enable more boats to be moved ahead of
 storms.

Land Use, Noise & Vibration

- Regarding quiet zones, Martin County indicated concerns regarding the transfer of liability from the railroad to local governments; therefore, the county does not want to request quiet zones.
- TCRPC was asked to inquire as to when the train horns blow (6 AM 9 PM)?
- Regarding historic structures and districts, Martin County expressed concerns the DEIS does not include impacts within the county's CRAs and only focuses on East Stuart within Martin County. The county also noted the assessment of historic structures is incomplete.
- Concerns were raised regarding noise impacts on existing businesses.
- Martin County also noted that both bridges the Loxahatchee and St. Lucie railroad bridges – are also eligible historic structures.

Environmental Conditions

- Regarding air quality, participants indicated the DEIS does not seem to include air quality impacts due to additional cars waiting at grade crossings. Rather, it only focuses on the reduction of cars on the interstate network.
- Concerns were also raised regarding the removal of exotic plant materials within the Florida East Coast (FEC) corridor, as these plants provide a buffer for neighborhoods.
- TCRPC noted the project could endanger the Lakela's Mint, which only grows in the FEC rail corridor in the northern part of the region.

Hazardous Materials & Solid Waste Disposal

- TCRPC indicated there will likely be more hazardous materials transported by train along the corridor, given commodity surveys of freight, which could create additional risk to communities along the corridor. More detail is necessary regarding how FEC Industries will coordinate with local governments regarding potential spills or other impacts.
- TCRPC also discussed the disposal of waste from trains, which the South Florida Regional Transportation Authority indicated was anticipated to occur at the Orlando International Airport servicing yard.

Social, Economic & Community Impacts

- Regarding Environmental Justice (EJ), Martin MPO raised concerns regarding small
 business impacts from the AAF project, with disproportionate impacts upon low
 income areas which are concentrated along the rail corridor. The MPO further noted
 the DEIS fails to address impacts on Title 1 schools, Golden Gate, Port Salerno, and
 other EJ districts along the corridor.
- Regarding economic impacts, MIATC noted the DEIS only addresses bridge impacts in the coastal counties; however, bridge impacts on the coast will also impact east/west traffic through to west Florida along with travel to the Caribbean. 10,000 boats traverse the St. Lucie Canal/C-44 locks annually, of which approximately 10% are estimated to be commercial. There are a number of marinas, boatyards, hotels, and campgrounds along the St Lucie Canal which will be negatively impacted if boating traffic is reduced. There are also impacts on Okeechobee County and other inland counties.
- Concerns were raised regarding the increase of costs to local governments as result of the grade crossings. FEC Railroad sole-sources improvements, without competitive bids, which further raises the costs to local governments. Questions were raised regarding the increase in number of inspections, repairs, and track replacements with the higher grade class 6 track, which will create increased costs to local governments. Martin County suggested that local governments should be charged a fixed fee to enable them to properly budget for these costs.

Next Steps

Council staff thanked the participants for attending the work session and indicated the report would be completed by November 14, 2014 and posted on Council's website as part of the November 21, 2014 agenda package. Local governments and agencies were requested to transmit comments to Council by Friday, November 7 for inclusion in the Council staff report. Comments received after that date would be included as attachments to the staff report and in transmittal packages to the State Clearinghouse and FRA.

All Aboard Florida Draft Environmental Impact Statement
Staff-level discussion for local governments and public agencies
Wednesday, October 22, 2014
1-4 p.m.
Jupiter Community Center
200 Military Trail
Jupiter, FL 33458

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EXHIBIT 6 Staff Summary of the Regional Meeting in Fort Pierce on October 23, 2014



TREASURE COAST REGIONAL PLANNING COUNCIL

All Aboard Florida – Draft Environmental Impact Statement Regional Meeting Summary

> Ft. Pierce Old City Hall October 23, 2014 1:00 – 4:00 pm

NOTE TO READERS: This document reflects general meeting notes and key points of discussion raised during the staff-level meetings held in Fort Pierce on October 23, 2014 regarding regional issues of concern related to the Draft Environmental Impact Statement for the proposed All Aboard Florida project. General meeting notes were prepared by Dr. Kim DeLaney, TCRPC.

Welcome & Introductions

The meeting was convened by Michael Busha, Executive Director of the Treasure Coast Regional Planning Council (TCRPC). Meeting participants introduced themselves. Attendees included representatives of local governments, agencies, and the legislative delegation. A copy of the meeting sign-in sheet is included with these meeting notes.

Purpose of Meeting

Mr. Busha described the responsibilities of regional planning councils, which include the facilitation of discussion regarding issues of regional importance. He then generally described the proposed All Aboard Florida (AAF) project and environmental impact statement (EIS) process. Mr. Busha explained the requirement for Council to review the EIS and provide comments to the State of Florida, as coordinator of the State Clearinghouse process, as well as to the Federal Railroad Administration, as the lead agency coordinating the EIS process for the project.

Mr. Busha explained the review of a Draft EIS (DEIS) was a sufficiency review, noting the twenty-four topics required to be addressed per the National Environmental Policy Act (NEPA). He posed several discussion questions regarding the sufficiency of the DEIS as published, including whether or not the various items are addressed completely, whether or not the data presented appears to be accurate and complete, if there was local data that differs from the data

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Phone (772) 221-4060 - Fax (772) 221-4067 - www.terpc.org

presented in the EIS, and whether or not the impacts of the project could be accurately assessed with the information provided in the DEIS.

Overview of DEIS Process & Timeline

Dr. Kim DeLaney, Strategic Development Coordinator of TCRPC, presented a detailed overview of the EIS process, noting the DEIS as the first document for review. Following the receipt of public comments by a December 3, 2014 deadline, the Federal Railroad Administration (FRA) will assess the comments. At an undetermined point in the future, FRA would be expected to publish a Final EIS, addressing the public comments as deemed appropriate by FRA. An additional public comment period of thirty (or more) days would occur, followed ultimately by the FRA's publication of a "record of decision" with an approval of the build alternative, the build alternative with conditions, or a no-build alternative. Subsequently, appeals of FRA decisions would proceed through the U.S. legal system.

Discussion of Key Issues

Mr. Busha then asked meeting participants to raise local and regional issues of concern regarding the DEIS, as noted below.

General Process Questions and Concerns

- St. Lucie Village questioned why this is not a Development of Regional Impact (DRI). Council staff explained railroads are exempt from the DRI process.
- A member of the public asked what other agencies are involved and how Florida Power and Light Company (FPL) is involved. Council staff discussed the list of agencies involved in reviewing the DEIS and in issuing permits for the AAF project. FPL can comment like any other member of the public or affected business, but that Council staff is unaware they have any concerns and has received no written correspondence from them.
- The St. Lucie Transportation Planning Organization (SLTPO) wondered at what point
 will comments/informational deficiencies be considered substantial enough to trigger
 changes in the DEIS and the AAF project. Council staff responded we will know the
 answer to that question once the FRA publishes the Final EIS.
- Council staff offered that when the FRA issues its Record of Decision, there is a judicial appeal process that can be initiated (see: http://www.blm.gov/ca/st/en/info/nepa/ibca9874.html).
- St. Lucie Village asked if TCRPC has approached the Government Accountability Office
 to review the Railroad Rehabilitation and Improvement Financing (RIFF) loan documents
 and make recommendations to the FRA. Council staff indicated that such a request has
 been initiated by the offices of Congressmen Murphy and Posey.
- A member of the public asked if some of the freight and passenger trains could be diverted to the west. Council staff indicated the Florida Department of Transportation (FDOT) could initiate a freight rationalization study to determine which of the longer, heavier freight trains could be redirected to the CSX or other western rail corridor to reduce impacts. Council staff also noted the issue of pre-emption, which addresses the

timing of vehicular grade crossing gates, traffic signalization, and approaching trains, has been noted by FRA to improve traffic safety, circulation, and reduce delay.

Transportation: Roadway Network and Grade Crossings

- There is a need for a more detailed and broader analysis of grade crossings and impacts to
 the adjacent roadway network. For example, the DEIS only looked at two grade
 crossings per county and did not properly analyze delay and safety impacts to many
 adjacent local streets and regional roads like US1 and Dixie Highway.
- An issue for Ft. Pierce especially, is the proximity of the railroad to barrier island causeways. Back-ups caused at grade crossings will impact access to barrier islands at key times.
- Grade crossings through Ft. Pierce's downtown and CRA frustrates access and business now. The DEIS does not properly quantify the impacts to business due to increased delays.
- Triple tracking in St. Lucie Village is not necessary and creates an unacceptable conflict for emergency access at all Village crossings. That there is room for the third track south of Orange Avenue that should work for AAF.
- There is not enough analysis of impacts and costs to local governments related to grade crossings in the DEIS for stormwater impacts outside of the rail right-of-way; sidewalk and pedestrian access impacts outside of rail right-of-way; and the need to signalize some nearby roadway intersections for safety due to increased delay and backup of traffic into the local and regional roadway network and intersections.
- More explanation/clarification is needed in the DEIS about who will pay for needed modification of old tracks at grade crossings necessitated by the laying of the new track.
- Special event traffic conditions, especially in the Ft. Pierce downtown, has not been analyzed in the DEIS to consider access and traffic impacts of increased back-ups and delays extending back from grade crossings.
- Triple tracking through St. Lucie Village will eliminate room to walk along the tracks.
 St. Lucie Lane, and Topie, Rouse, Milton, and Chamberlin Street crossings have no pedestrian crossing improvements specified in the DEIS.
- The delays and traffic impacts caused by the AAF project may lead to St. Lucie County having to grade separate some of the nearby intersections. These potential costs and impacts are not considered in the DEIS.
- Traffic congestion created by the AAF project may not allow local governments to maintain their adopted roadway level-of-service specified in their comprehensive plans.
- The current railroad bridge over Avenue C in Ft. Pierce is too narrow to support two rail lines and is too narrow to allow emergency vehicles to cross underneath. Correction of this condition will require the taking of nearby businesses/property.

Transportation: Marine Navigation

• There is a need to raise or create a moveable bridge at Taylor Creek as mitigation for Environmental Justice (EJ) issues and to allow St. Lucie County is to implement the EJ and economic development recommendations of the Taylor Creek Charrette Master Plan.

Transportation: Other Transit

- The DEIS completely ignores impacts to Indian River and St. Lucie Counties' transit systems. More transit options are needed where EJ communities exist. However, the AAF proposal will increase delays within these local transit systems, and impact route structures and our ability to keep schedules, while providing no additional access to transportation (i.e., no local access or stops for AAF trains).
- There was a general desire expressed for Amtrak service with stations in the downtowns to mitigate AAF impacts and EJ issues.

Transportation: Bicycle/Pedestrian

- Bicycle and pedestrian crossings need to be part of all grade crossings.
- Mid-block pedestrian crossings are needed between regular grade crossings that are more than one mile apart.

Transportation: Public Safety and Emergency Response

- There was general concern over the additional delays expected for emergency vehicles.
 This was especially true in St. Lucie Village where there are five crossings and no alternative routes for emergency access to the Village in case of a conflict between trains and emergency vehicles. The same is true for Hutchinson Island access for the two causeways (i.e., one-way on and one-way off).
- A suggestion was made to address the need for evacuation in case of man-made or natural emergencies. AAF and FEC should be part of a state and local emergency evacuation plan where train service is suspended or used to facilitate an evacuation, and communication should be improved between local emergency managers on this issue.

Land Use, Noise, and Vibration

- The pros and cons of doing a joint application for quiet zones for Martin, St. Lucie, and Indian River counties was discussed. Council staff provided a detailed explanation of how this was done between Broward and Palm Beach counties.
- St. Lucie Village representatives expressed that many of the homes in the Village predate the railroad and were not built to withstand rail vibration, dust, noise, etc.
- Mitigation for this and other impacts on the Village would be to relocate the third rail line/siding proposed to be built within the Village to between Savanna and Midway roads to the south.
- There was a general comment from several participants that there were several historic structures and historical and archeological sites that were not listed and were ignored by the DEIS (e.g., Edgartown, Ft. Pierce historic district, Old Fort Park, Fort Capron, Vero Man site, etc).
- No analysis to show how noise/vibrations will increase/decrease with AAF and what the impact will be on historic structures.
- Noise information is inconsistent. No baseline data or analysis of current noise impact and what it will be when AAF is added to the rail line.

- Regarding air quality, participants indicated the DEIS does not seem to include air quality
 impacts due to additional cars waiting at grade crossings. Rather, it only focuses on the
 reduction of cars on the interstate network.
- St. Lucie Village noted there is a major aquifer below the Village called "White Ridge" and questioned how vibrations would affect the aquifer. This was not addressed or noted in the DEIS.
- The DEIS neglects the natural preserves along the corridor, and how increased train service will affect passive recreational enjoyment in the Savannas and listed species. There are no specific surveys. The endangered Lakela's Mint population along the FEC right-of-way near the Coconut Cove subdivision was not identified or addressed.

Hazardous Materials and Solid Waste Disposal

There was a general concern expressed about how increased freight traffic will pose an
increased threat. In other words, more freight capacity will equal more hazardous
materials transported along the corridor and increase the risk of accidental release of
hazardous materials.

Social, Economic, and Community Impacts

- Raise the Taylor Creek Bridge or make it movable to enable mitigation of impacts to the Taylor Creek community.
- Conflict for vehicular access because of additional railroad activity will reduce access to small businesses and EJ communities.
- Special accommodations identified in the Americans with Disabilities Act should be provided at all grade crossings.
- Mitigation for the visual impact of a "sealed corridor" (i.e., chain-link fencing) through
 downtown Ft. Pierce and direct impacts from reduced access on small businesses and EJ
 communities need to be addressed in the DEIS.
- The DEIS uses a "broad brush approach" to determine the extent of and impacts to EJ
 communities. The DEIS uses Census Tract level data, when it should be using Block
 Group data.
- No benefits to EJ communities because of no new access to public transportation is being provided. There are only negative impacts to small EJ businesses and communities and delays imposed on the existing public transit service.
- A general comment was made related to AAF causing a reduction in property values along the corridor and impacts to landscaping, access and parking in redevelopment areas.
- Concerns were raised regarding the increase of costs to local governments as result of the grade crossings. FEC Railroad sole-sources improvements, without competitive bids, which further raises the costs to local governments. Questions were raised regarding the increase in number of inspections, repairs, and track replacements with the higher grade class 6 tracks, which will create increased costs to local governments. St. Lucie County suggested that local governments should be charged a fixed fee to enable them to properly budget for these costs.

Next Steps

Council staff thanked the participants for attending the work session and indicated the report would be completed by November 14, 2014 and posted on Council's website as part of the November 21, 2014 agenda package. Local governments and agencies were requested to transmit comments to Council by Friday, November 7 for inclusion in the Council staff report. Comments received after that date would be included as attachments to the staff report and in transmittal packages to the State Clearinghouse and FRA.

All Aboard Florida Draft Environmental Impact Statement
Staff-level discussion for local governments and public agencies
Thursday, October 23, 2014
1-4 p.m.
Fort Pierce Historic City Hall
315 Avenue A
Fort Pierce, FL 34950

SIGN-IN-SHEET

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EXHIBIT 7

Correspondence from the Town of Jupiter dated November 10, 2014



TOWN OF JUPITER

November 10, 2014

Ms. Kim DeLaney, Strategic Development Coordinator Treasure Coast Regional Planning Council 421 SW Camden Avenue Stuart, FL 34994

RE: Town of Jupiter Response to the All Aboard Florida (AAF) Draft Environmental Impact Statement (DEIS)

Dear Ms. DeLaney:

Please accept this correspondence as the Town's initial comments and questions about the AAF DEIS for consideration by the Treasure Coast Regional Planning Council. The Town's comments are organized by the Environmental Effects identified in the DEIS.

Land Use:

Much of the FEC right of way through Jupiter was established through an easement dedicated by the United States of America by act of Congress on March 3, 1875. Limited lands used by FEC were acquired through fee simple deeds. Further investigations into the ownership of the FEC rail corridor through Jupiter has determined that a portion of the property may not fall under sole ownership of FEC and/or FEC is not a fee simple controlling party to title of the railroad right of way.

Perhaps more importantly, the entire rail corridor has been dedicated to the use of the public. For over a century, the FEC has used this dedication to the public to its advantage through tax exemptions and the ability to secure public funding for improvements and maintenance in the corridor.

In consideration of All Aboard Florida, it is reported that the rail corridor is "privately held" and under the complete control and jurisdiction of the railroad company. As such, FEC and AAF purport that state or local governments have no grounds to approve or deny the project as the advocate for the "public". Even though some of the lands may have originally been held in private hands, the "public" designation assigned to some of the property may have modified the original private land rights in some measure to consider the "public's interest" in how the right of way is used.

Given these observations, the Town of Jupiter would like clarification on ownership issues within the corridor to support the position that AAF/FEC has the ability to 1) expand capacity within the ROW without any public input and 2) charge local units of government lease payments for use of public crossings and necessary improvements to railroad crossings.

Transportation:

Although the DEIS focused on passenger rail, the assumptions in the analysis include a growth in freight that need to be considered given the combined impacts on transportation.

Baseline Data for Freight:

The DEIS discusses expected increased freight train trips using 2013 as a baseline. This section should be updated to cite 2014 figures and projections for 2015 and beyond. The section also states that a doubling of the number of expected freight trains along the line is expected within two years. The basis for this anticipated doubling should be provided.

Per the DEIS, there is a 30% increase in average freight train speeds in the No-Action Alternative over the average currently being experienced. An explanation of this increase is important to ensure that there is a clear understanding of the basis for the assumed change in speed.

The information requested above will provide more certainty regarding the baseline impacts of increased freight without the proposed passenger rail service.

Assumed Train Speeds and Traffic Impacts:

The methodology for analyzing traffic impacts confirms that the AADT for only the two largest arterials have been included for each county. Using only two roads per county (10 total, or 6% of the total number of crossings) provides an incorrect calculation of the total average daily volume being impacted by the proposed project. The transportation study needs to be vastly expanded to study the impact on all major local roads with grade level crossings.

The assumed operation speed for freight trains as 54.3 mph in the DEIS is questionable for the Center Street, Indiantown Road and Toney Penna Drive crossings due to the Loxahatchee River bridge and curvature of the rail. Based upon the Town's internal review of the rail system in Jupiter, a 30 mph operation speed seems to be a more appropriate assumption for freight trains. The corresponding total closure time, based upon the Town's calculations, will be extended from 2.5 minutes to almost 4 minutes, which significantly impacts the traffic on Indiantown Road. Additionally, the assumed operation speed for passenger train in the DEIS is 89.2 mph, which is an unreasonable assumption for this section of the system. Given the radius of curvature of approximately 450m, the safe train speed seems to be limited to 60 mph.

Based upon the Town's speed assumptions, the Indiantown Road/Alternate A1A intersection is projected to be over-saturated due to crossing closure – which also assumes two (2) freight trains and one or two passenger train(s) – during the PM peak period in 2036. The vehicle queue will exceed 4,000 feet and the corresponding intersection delay will be over 200 seconds per vehicle.

The projected impacts on traffic constraints have not been adequately addressed within the DEIS. The limited number of intersections analyzed and the generalized speed of the trains that were assumed do not provide adequate data to understand the impact of projected freight and new passenger service on local traffic. Given this, the anticipated speeds in Jupiter should be analyzed to better understand the impacts of freight and passenger service on traffic in 2036. It would be beneficial to know, where on the system trains will accelerate and decelerate and the anticipated speeds would be at these locations.

Additionally, critical intersections at crossings need to be analyzed in term of traffic impact, especially for the intersections with speed constraints such as the Indiantown Road, Toney Penna Drive and Donald Ross Road crossings. Further, an assumption regarding Tri-Rail impacts should be included as well. In response to the anticipated impacts, traffic mitigation strategies need to be proposed in the EIS report as well.

Freight Impacts:

The DEIS gave limited consideration to the relocation of freight from the FEC Corridor. For example, the DEIS states, "Negotiating shared-use agreements presents the risk...that the

controlling railroad would not agree to acceptable terms for a shared use environment." AAF should attempt to negotiate a shared-use agreement for tracks west of the proposed project before citing this as a risk and dismissing this alternative. Additionally, other inland, such as the US27 Corridor proposal, or maritime options should be explored in the study as well.

Navigation:

Of significant concern for the Jupiter community is the impact of the Loxahatchee Bridge operation on maritime traffic. DEIS information about existing conditions differs from what has been gathered locally. Data gathered should be consistent and reevaluated to better understand the maritime impacts.

Further, there continues to be concerns about the condition of the Loxahatchee Bridge itself. Information gathered about the structural integrity of the Loxahatchee Bridge during recent inspections needs to be made available. In addition, a specific scope of work for the reconstruction of the Loxahatchee should be better defined in the study.

Noise and Vibration:

The areas of moderate noise impact seem to be underestimated. Houses in our community are located in close proximity to the corridor and identified as no-impact, yet owners currently experience moderate noise and vibration impacts from train noise and horns from existing freight operations. The noise impact zones need to be reviewed to ensure that they accurately reflect moderate and severe noise impacts along the north-south route.

Noise from wheels – maintenance not the only option. Table 7.2-2 also includes the mitigation measure "Maintain train wheels and rails to minimize vibration." Since there is no indication that this is being done for existing freight trains, there should be a mitigation measure added by the FRA for periodic inspection and tolerances which, if exceeded, would require train wheel replacement.

Water:

With the addition of impervious surface associated with the addition of rail within the corridor, the Town requests the identification of more definitive water pre-treatment strategies and their locations as part of the impact statement.

Public Health and Safety:

Grade Separation: the DEIS indicates that the East-West Corridor would be entirely grade separated at roadways. Existing roads would either be crossed using bridges or would be closed, eliminating any potential safety concerns. A similar commitment to safety does not appear to be provided in the North-South Corridor. The North-South Corridor should require the same level of safety as the East-West Corridor. AAF should be required to pay for grade separation of the major crossings when done in consultation with local communities.

Grade Crossings: The DEIS Grade Crossing Details report did not account for impacts on emergency vehicular traffic that must cross the railroad tracks to deliver services to or from Jupiter Medical Center and the neighborhoods located on the other side of the corridor. The impact on emergency and public safety facilities should be analyzed in the study.

As a condition of proceeding with the proposed project, the FRA should require AAF to finance safety improvements associated with as well as the process required for the creation and the on-going maintenance of quiet zones requested by local communities. Further, the scope of work at each crossing, which should include Vehicle Presence Detection devices, should be detailed within the study.

Safety has to be addressed in the DEIS for pedestrians and bicyclists as well. **Pedestrian** gates and sidewalks should be included in the scope of work for crossing safety upgrades. Communities should be included in the evaluation of safety needs given local knowledge of pedestrian and bicycle movements.

Sealed Corridor: A sealed corridor needs to be established that minimizes visual impacts while effectively preventing informal pedestrian crossing between the established atgrade crossings. This should be done in cooperation with the impacted communities.

Cultural Resources

The information in the DEIS pertaining to the Historic Resources within the West Palm Beach Corridor Area of Potential Effects should be updated to include the following historic sites within the Town:

- Sawfish Bay Park (Florida Master Site File #8PB11388)
- Milam Archaeological Midden (Florida Master Site File #8PB11546)

Neither midden directly impacts the FEC ROW. The Milam Midden is located just west of the FEC ROW on three residential properties along the north shore of the Loxahatchee River south of Riverside Drive. The other is an archaeological site at Sawfish Bay Park. As required by the National Historic Preservation Act of 1966, the West Palm Beach Corridor Area of Potential Effects completed for the DEIS was required to include known archaeological sites within 150 feet of the FEC ROW to allow for consideration of indirect impacts. Both middens are within 150 feet of the FEC ROW but were not included in the DEIS. They should simply be identified in the final report.

The aforementioned issues were identified by and discussed by the Town Council during their November 4, 2014 meeting. Attachments will be delivered to you under a separate cover to provide you with additional information about these issues. Please contact me should you require additional information about the Town Council's concerns.

Sincerely,

Andrew D. Lukasik Town Manager

EXHIBIT 8

Correspondence from the City of Fort Pierce dated November 14, 2014



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ODEVELOPMENT REVIEW
HISTORIC PRESERVATION O URBAN DESIGN O URBAN FORESTRY O ZONING

TO: Treasure Coast Regional Planning Council and the Federal Railroad Administration

FROM: Rebecca Grohall, Planning Manager

RE: City Of Fort Pierce Staff Comments on the Draft Environmental Impact Statement For The

All Aboard Florida Project

DATE: November 14, 2014

Purpose

The purpose of this report is to outline Fort Pierce City staff comments in response to the recent Federal Railroad Administration (FRA) release of their Draft Environmental Impact Statement (DEIS) for the All Aboard Florida (AAF) Orlando to Miami Intercity Passenger Rail Project. The FRA is required by the National Environmental Policy Act (NEPA) to analyze the potential environmental impact that may result from this project. According to NEPA, the intent of a DEIS is to facilitate public discourse, allow federal agencies to study environmental impacts and assess alternatives, and inform decision makers and the public. The study evaluates the project comprehensively, but focuses primarily on Phase II West Palm Beach to Orlando. Overall recommendation is further comprehensive analysis needs to be completed with identified deficiencies being addressed, so that a complete understanding of increased train travel can be obtained.

The following report is divided into five major sections, Transportation, Land Use, Noise, & Vibration, Environmental Conditions, Hazardous Materials and Solid Waste Disposal, and Social, Economic, & Community Impacts, these sections correspond to major sections in the DEIS report.

Transportation

Roadway Network and Grade Crossings:

The proposed All Aboard Florida Orlando to Miami Intercity Passenger Rail project is expected to run 32 passenger trains per day. In addition, Florida East Coast Railway (FEC) freight train trips are expected to increase from 14 to 20, thus approximately 52 trains per day would run on the FEC rail line, by 2016. This is a tremendous increase in train activity for the Fort Pierce area. A rapid increase such as this is obviously a concern to the community. Below are the major concerns that have been identified regarding the transportation section.

Road Analysis- Currently train routes intersect vital thoroughfares for the community. These roads include:

- Seaway Drive
- Orange Avenue
- Avenue A
- Avenue D Fisherman's Warf
- North Causeway
- Avenue C (A.E Backus Ave)

Undoubtedly, a rapid increase in trains per day will negatively affect the City's roadways. FRA did analyze traffic operations at grade crossing sections (Appendix 3.3 Grade Crossing Details); however, they only analyzed the largest volume arterial roads. Specifically for Ft. Pierce, they studied North Causeway and Seaway Drive. These are major thoroughfares, connecting the mainland to the islands, but they are not the City's only major roads. Consequently, without complete analysis of all grade crossings, we contend the report is inadequate and are requesting that AAF complete a full analysis of all grade crossings.

Level of Service- Reviewing the information available in the report estimated crossing grade for North Causeway during normal cycle is expected to be at Grade A. When freight trains cross Level of Service will be at Grade C and when Passenger trains cross level of service will be at Grade B. Weighted average is expected to be at Grade A. This is above minimum level of service standards, which is a D or better.

In contrast, the estimated crossing grade for Seaway Drive during normal cycle will be at Grade A. When freight trains cross level of service will be at Grade F and when Passenger trains cross level of service will be at Grade F. Weighted average is expected to be at Grade B. The change to level of service for Seaway Drive is alarming. However, it is unclear by the report why this crossing will fall below acceptable grade levels due to train traffic.

While the report offered no suggestions as to why Seaway Drive would operate at LOS F, perhaps the answer is at the Avenue C Bridge. The bridge is a single track; presently daily operations often necessitate trains to switch to allow others to bypass. Added passenger service will presumably increase the need for railroad switching in this area. The report does not clearly state what actions will be taken to improve this crossing, in the report there is no indication FEC or AAF will be updating this bridge. In order to maintain level of service above standard grade during crossing, it will be necessary to upgrade this bridge and now would be the best time to take action.

Traffic operations—The DEIS report of North Causeway and Seaway Drive states these crossings will individually remain above acceptable level of service, but does not provide impact analysis of when trains cross multiple arterial roads simultaneously. In the case of multiple crossing closures, it is reasonable to predict further delays, as well as increase in road traffic on minor roadways which do not have the capacity for high volume traffic. The report does convey the increase in trains will cause additional closure events, but does not provide further research to understand the impact of the closures. In the report it states since passenger trains are shorter in length than existing freight, the additional impact from freight and passenger will be minimal. However supporting detail is vague and the report never addresses the overall impact of additional freight and passenger trains.

Moreover, the report does not provide any analysis on bicycle and pedestrian level of service. For the Ft. Pierce area this is important to identify, because of the City's growing alternative transportation users. Given the report's incomplete analysis of level of service, the report does not provide a full picture of the true impact of increased train activity at the City's grade crossings.

Upgrades and Maintenance- The City is concerned about the initial cost and future maintenance of crossing guards and surrounding area. Not only would the City's roadway crossings, which include gates, lights, signalization, medians, and other items, have to be upgraded, pedestrian crossings will need to be improved as well, which can include sidewalks, pedestrian guards and signs, pavement markings, and raising the approach to tracks. Supplementary documents from AAF state they would cover costs for upgrading and maintenance associated with double tracking only, not including quiet zones upgrades. At present it is unclear what upgrades and maintenance will be covered by AAF, the report did not include this information.

In addition, upgrading and maintenance of two bridges, Taylor Creek and Avenue C, is also a concern for the City. According to the DEIS report, the Taylor Creek bridge would be rehabilitated, though details were not presented in the report. Avenue C Bridge however was not discussed at all in the document. The AAF project

will increase the number of trains per day, and as a result frequency of road closures will also rise. A result, road closures will impact shifts in traffic patterns. Commuters will presumably utilize Avenue C as well as Citrus Avenue overpass more frequently to bypass the increased train traffic.

As previously stated the Avenue C Bridge (Figure 1), an older single track bridge, needs to be upgraded to assist with train and road traffic flow. Since it is a single track, only one train can cross at a time, thus train switching before or after the crossing is necessary. This creates traffic flow problems at crossing intersections. Consequently, we will see traffic build ups at crossing intersections, such as Seaway Dr., Avenue D, Avenue A, Cedar Place, Avenue C, and the Citrus overpass.







Figure 2: Citrus Avenue Overpass

Traffic increase on Citrus Avenue overpass (Figure 2) is also concerning. If the AAF project moves forward the overpass will require inspection. Additional traffic, an expected result from the AAF project, will put increased stress on the overpass. AAF should work with the City to assist with upgrading and maintaining the overpass. Their assistance will help ensure the overpass meets safe load carrying capacity standards. For the safety of travelers going over the train tracks on Citrus Avenue Overpass, it is imperative that it undergoes rehabilitation.

Speed- The DEIS report estimates train speeds may be in excess of 110 miles an hour at the Savannah Road crossing. Speed in the downtown area is expected to be between 40-60 miles per hour. Trains moving through City center at those speeds pose obvious concern for community and wildlife safety. The report acknowledges a sealed corridor will be in place, but does not provided detailed information on the type of sealed corridor. An 8ft chain link fence would not be aesthetically pleasing, nor is it consistent with our code standards for our historic district and redevelopment areas. Since the FEC rails run through the middle of our community the material of the sealed corridor must be compatible with the aesthetics in our area. This is to avoid disruption to the look and feel of our areas. With trains moving through our community on a regular basis, an unattractive, sealed corridor will create the feel of a barrier between neighborhoods.

Marine Navigation:

The DEIS report states the Taylor Creek railroad bridge would be rehabilitated. However, no details were provided. In 2007, the Taylor Creek Charrette was completed. At that time it was recommended to replace the current Taylor Creek Bridge with a vertical lift style bridge. The Treasure Coast Regional Planning Council team, during this time met with an FEC Representative, whom deemed a Vertical Lift bridge feasible and the preferred option (TCRPC, 2007).

Replacing the bridge would allow boats to travel from the Indian River Lagoon through Taylor Creek and spurring economic development. A major facet of the Taylor Creek Charrette was the discussion of expanding marine industry opportunities. To accomplish expansion of the marine industry it was identified improvements of the bridge were necessary. If the bridge were to be modernized to a vertical lift bridge it would not only update an old outdated bridge, but also be a catalyst for redevelopment, by allowing for marine navigation into the area.



Figure 3: Taylor Creek Charrette area.

Other Transit:

The City wants to maintain our multi-modal connectivity and optimal level of service. However, the DEIS report did not speak to this issue specifically for Fort Pierce.

Bicycle/ Pedestrian:

Ensuring safety near the tracks is another concern, especially for residents who travel by alternative transportation modes such as walking and bicycling. The FEC rail line runs through Ft. Pierce's lowest income areas (Census tracts 380100, 380200, 381000) the residents in these neighborhoods are more likely to use alternative forms of transportation and have higher probability to travel back and forth over the tracks. With the increase in trains per hour, risk for these travelers will greatly increase. Safety of these travelers is very important to the community, the DEIS does not provide in depth information on its plans to create safe pedestrian areas near and around the rails.

Public Safety and Emergency Response:

Consistent with impediment of traffic operation level of service, is the obstruction of connectivity between major areas of the City. While once considered a benefit when passenger rail stopped in the community, the train is now seen as a disadvantage. The rail line currently cuts through major economic hubs and divides the mainland from North and South Hutchinson Island. The City sees the influxes of trains passing through the community as a hindrance to ensuring levels of connectivity between neighborhoods as well as between the mainland and the islands. Maintaining connectivity is important, especially for ensuring our emergency responders, Fire, Rescue and Police response, can respond without hindrance. The DEIS does not address the impact the additional trains will have on our emergency responders. Additionally, in the event of an evacuation be it manmade or natural, how would the FEC respond? Would they stop the trains? Do they have an evacuation plan in place? Furthermore if these trains were used to evacuate other communities in Florida, what is the FECR response to the

negative impact it would oppose on our community. All these questions are not sufficiently answered by the report.

Recommendations:

- Analyze of all our grade crossings, so that we have sufficient information on the impacts to the community;
- Provide further information regarding bicycle and pedestrian level of service;
- Implement adequate safety measures for pedestrian and bicycle areas around and on the track;
- Update crossings, ensuring they are ADA compliant;
- Implement improvements to Avenue C bridge;
- · Implement improvements, such as vertical lift, to Taylor Creek bridge;
- Provide detailed information of the sealed corridor;
- · Research multi-modal connectivity and level of service in the Fort Pierce area; and
- Provide plans demonstrating how evacuation procedures will be impacted by trains, especially for trains that may be stopped for switching and blocking evacuation routes.

Land Use, Noise, & Vibration

Existing Land Use:

The description of St. Lucie County as "low density and undeveloped lands" is a clear misrepresentation of our area. The City of Fort Pierce, established in 1901, is one of the oldest communities on the east coast of Florida. Ft. Pierce today remains a vibrant community with a rich history that includes a close relationship with the FEC rail line. The City became an important location for the rail line when Henry Flagler designated Fort Pierce as a division point in 1911. Earning this designation facilitated exponential growth for the City, as well as establishing Fort Pierce as a pivotal location for freight train operations. Even though Fort Pierce is a significant location for the FEC, land use information provided within the DEIS report relating to Fort Pierce was incomplete and inaccurate.

Noise:

Noise pollution, already a negative externality currently impacting our residents, is one concern Ft. Pierce wants to be proactive in mitigating. Noise pollution includes noise generated by wheels, flanging, idling, whistles blowing, and railroad switching. With additional trains running through the middle of the community, increased noise will unquestionably bolster the negative externalities already impacting residents, something the City is very concerned about. The DEIS report did not adequately address the negative externalities associated with increased train trips. The report addresses existing conditions, but we contend the report did not sufficiently forecast future conditions. It is important to understand fully the noise impacts, so that plans can be made for mitigation efforts.

Quiet Zones:

The possible need and costs to the municipality for Quiet Zones or other noise mitigation alternatives is a concern for the City. If the AAF project moves forward and noise is an issue, it is recommended that the AAF upgrade all FEC crossings guards to meet Quiet Zone standards at their costs and not pass those costs onto Cities. Alternatively, if AAF does not fully fund Quiet Zones, and the City wishes to pursue them – Staff recommends that they join with other governments to work with the Treasure Coast Regional Planning Council in a joint application for funding.

Historical Structures and Districts:

The DEIS report currently does not specify how additional vibration will affect homes and business located near the FEC rail. A majority of housing and commercial stock in the City of Fort Pierce is located near the rail line. A fuller understanding is needed to evaluate the true consequence of vibration to our structures, since a majority of our historically significant properties, both commercial and residential, as well as an entire community enclave, Edgartown, is located very close to the rail line. Many of these buildings were built between late 1900's to 1950. The report poorly conveys how the vibration will negatively affect these areas. Concerns regarding vibration on these older buildings are a great concern for the City. Three different historic districts are located throughout the FEC corridor: the Downtown Historic District, as well as the Edgartown Settlement and the Rivers' Edge Historic Districts. Additionally, numerous properties are on the National Register of Historic Places but not addressed – including the Sunrise Theater, Cresthaven/Boston House, Old City Hall, the Moore's Creek Bridge (aka "tummy tickle hill") and Old Fort Park. The Sunrise Theater may be part of the number of auditoriums listed that are impacted by noise and vibration; however they were presented as a number only without a corresponding list, it is impossible to determine what the impacts are to the theater both to the structure and to performances.

Along with vibration is the concern about the possibility of a sealed corridor. If a sealed corridor is to be built in the downtown, the City does not want chain link fence to be an option. Aesthetically it does not fit the look and feel of downtown nor is it allowed or compatible with the design standards. A chain link fence will be a hindrance to the City's redevelopment and historic preservation efforts. The FRA did not reach out to City staff to get a better understanding of the City's historic area, which calls into question their ability to evaluate the effects of vibration to these buildings. Chain link is not an allowed use in our redevelopment area, nor is it an allowed material in the historic areas.

Recommendations:

- Provide a more in-depth quantitative and qualitative evaluation on spill-over costs and negative externalities from noise;
- · Provide further detailed research on impact of noise and vibration on historic structures; and
- Improve communication with City of Fort Pierce Planning Department staff.

Environmental Conditions

It's imperative that environmentally sensitive locations such as Savannah Preserve, Old Fort Park archeological site, Indian Hills Recreation Area, the Indian River Lagoon and other coastal waterways are not destroyed or in any manner damaged. Savannah Preserve is a State Park running through Fort Pierce and St. Lucie County comprised of environmentally sensitive land in freshwater marshes and is perhaps the largest single remaining piece of east coast savanna land. In addition to other environmentally sensitive lands adjacent to the tracks, the report does not address impacts to the migration corridors. Also missing is a discussion impacts to threatened and endangered species like gopher tortoises, indigo snakes, bobcats, scrub jays and numerous other birds, on the "protected species" lists. Nor does the report address impacts any of the protected plants that are on the state or federal lists. The DEIS report does not address in any detail on how train traffic will impact these areas, nor offers any mitigation measures to ensure these sensitive areas will be protected over time. Thus, the City contends the DEIS is incomplete in this section.

Recommendations

- Provide detailed impact analysis on our local environmental areas;
- Provide wildlife crossing areas through the use of culverts; and
- Provide detail environmental mitigation plans

Hazardous Materials and Solid Waste Disposal

Hazardous materials and solid waste disposal is not discussed except during construction period. This section is vague and does not give any substantive detail specific to any area. The report also is ambiguous about how they will handle mitigation efforts after construction period. How the AAF will prevent or mitigate any hazardous

material spills or solid waste leakage is unclear. Additionally, the report claims there are 337 potential contaminated sites, but does not discuss any details regarding any of the sites.

Recommendations:

- Provide detailed information on prevention and mitigation of hazardous material spills or solid waste leakage;
- Provide detailed information on where the contaminated sites are located; and if sites are located in our
 area provide plans of site cleanup.

Social, Economic, & Community Impacts

Environmental Justice:

The majority of minority and low income residents in St. Lucie County identified by the DEIS report live in Ft. Pierce. The City has been working toward improving the quality of life not only for these community members, but for the entire Ft. Pierce community. Increased train traffic running three times per hour will negatively affect the quality of life, resulting in lasting negative effects for the entire community. Although the report drew attention to the low income and minority census tracts, it failed to provide any research on passenger rail and social equity. They failed to address issues such as barriers to integration, taking of land, and health. Until this section of the DEIS report addresses those and similar issues, the section should be considered incomplete.

Economic Impacts:

The AAF project is expected to create spill-over costs. Negative externalities such as increased train noise and vibration, additional traffic delays, and an unattractive sealed corridor may spur direct and indirect negative economic impacts to the Fort Pierce community. Loss of investment in Historic Fort Pierce Downtown, real estate degradation of commercial and housing properties, and loss of tourists' dollars to the local area, have all been identified as most concerning to the City.

Fort Pierce and surrounding Treasure Coast communities will be absorbing all the costs with no benefits. Economically, the current proposed project does not benefit our local area. The DEIS report did not sufficiently discuss potential positive or negative economic impacts to Fort Pierce or similar areas, that will not be getting a stop. The report only discussed positive externalities and economic opportunities that will be spurred in cities with train stops. It is imperative the report identify both positive and negative impacts for all areas that will be affected by the project.

Historical & Cultural Resources:

Preservation of Historical and Cultural Resources is important to the City of Fort Pierce. The City's restoration and preservation efforts have been and continue to be a top priority. Fort Pierce historical buildings were built as long ago as 1882. The typologies of these historic buildings vary from wooden frame, clay, concrete, and marble. Many of the oldest buildings are concentrated downtown and along the river and railroad (Appendix A: Historic Structures and Sites). The impact of additional trains per day on these various historical structures in these areas is unknown. Review of the DEIS report found the FEC did not sufficiently research Fort Pierce historical and archeological sites, nor did they adequately seek local planner comments regarding local historic resources. The report states they contacted our department, however there is not a planner on staff with the City or County who can verify that. There was no reporting or researching included regarding the archeological site at Old Fort Park, the Ais Indian burial mound at Old Fort Park.

Since the FRA did not accurately or sufficiently identify local resources, they did not address the possible negative economical and physical impacts to our community. Increased trains will impact our historical, archeological, and culture resources, but the impacts are currently unknown, due to their lack of research.

Furthermore, FRA did not discuss any mitigation plans addressing how AAF would protect historic and archeological sites. Overall we find this section of the report lacks completeness. We have attached several maps in the Appendix showing the historical resources.

Recreational Resources:

The FEC rail travels along or near several parks including Savannas Preserve State Park, Indian Hills Golf Course, Heathcote Botanical Gardens, Ilous Ellis Park (aka "Open Space Park") and Indian Hills Recreation Area. Concerns over maintaining and preserving these open, passive spaces have been identified. The report stated there will be some impact from noise and vibration, however they do not speak specifically to our park areas nor do they offer any mitigation plans to protect these valuable areas.

Recommendations:

- Research the economic impacts on historical areas;
- Reevaluate of all historical structures and sites;
- Address impacts on all historical building typologies;
- · Improve communication with City of Fort Pierce Planning Department staff; and
- Reevaluate impact on local recreation areas.

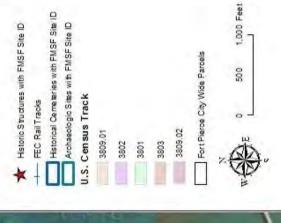
Conclusion

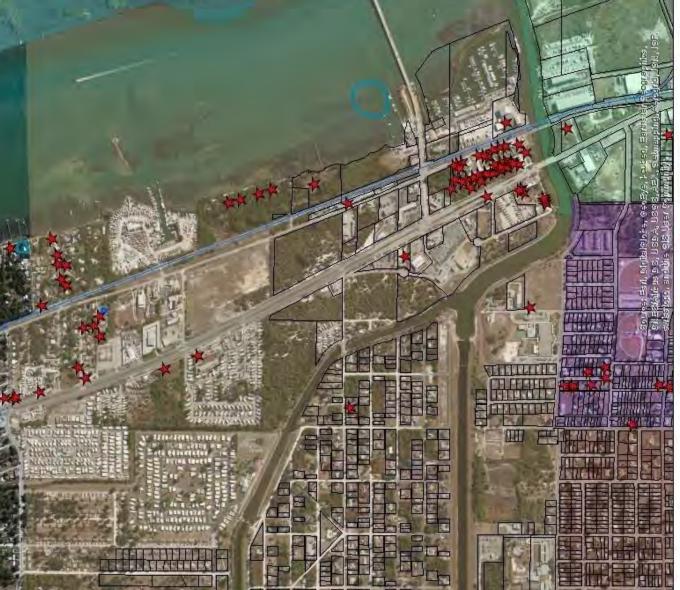
The AAF project is expected to impact the City, however there is not enough information presented in the DEIS to fully evaluate the report and gauge the full extent of the impact. The report lacked meaningful, quantifiable data that could be utilized to evaluate the additional traffic delays; impacts to grade crossings, effects on roadways and adjacent neighborhoods, and most importantly the true costs to the City. The City of Fort Pierce respectfully requests that All Aboard Florida reevaluate the report and provide actual data, not brushstroke statements.

Attachments - Appendix A: Historical Resources in Fort Pierce

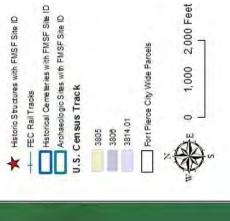
Appendix A: Historic Structures and Sites

Fort Pierce Historic Resources





Fort Pierce Historic Resources

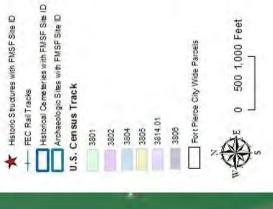






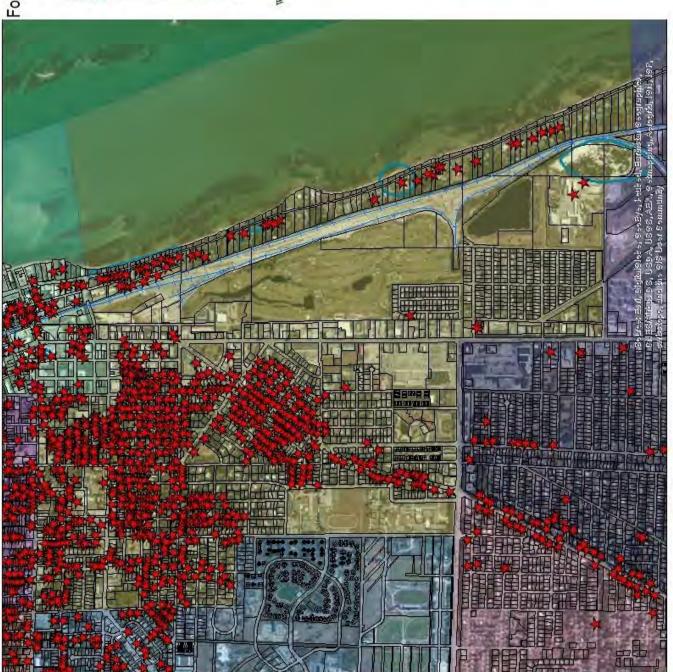
Map prepared November 4,2014

Fort Pierce Historic Resources





Map prepared November 4,2014



Fort Pierce Historic Resources





Map prepared November 4,2014

EXHIBIT 9

Correspondence from Mr. Joel L. .Tallant, Sr. – Resident of Indian River County dated September 24, 2014

Mike Busha

From: Joel Tallant <chef@hotmail.com>

Sent: Wednesday, September 24, 2014 11:33 AM

To: Kim Delaney

Cc: Robert.Benáus@DOS.MyFlorida.com; mbusha@tcrpc.org; jbaird@ircgov.com;

citymgr@covb.org; pmatson@ircgov.com; Angie.toro@mail.house.gov;

Pam.gillespie@mail.house.gov; debbie.mayfield@myfloridahouse.gov; john.winkle@dot.gov

Subject: AAF EIS

Good Morning All,

My name is Joel L Tallant Sr, I am a homeowner and business owner living in Indian River County, Florida. After my initial review of AAF EIS, below are a few of my major concerns regarding this document. Please address these issues and respond back to me as to how these issues will be addressed.

- 1. No where can I find in the EIS showing the results of: "Buildings where Rayleigh waves would cause structural damage." As just using the term "vibrations" does not cover everything accreditied to all vibrations in a whole. Why is this not addressed or otherwise used to develop the EIS?
- 2. What geographical land type was used in the study to determine the impact of the vibrations/Rayleigh waves from the trains passing by? Why? Explain.
- 3. Where there any distinctions made of the type, age and conditions of the structures in close proximity to the train tracks? And if so, what?
- 4. In the Summary of the EIS it states(page S-18)," The Project would have no direct or indirect effects (noise, vibration or change in setting) to the historic resources located adjacent to the N-S Corridor. " This is NOT AT ALL the case, there is historic properties directly adjacent to the N-S Corridor in Indian River County alone not to mention the other counties affected.
- 5. What if any will be done to mitigate these issues with the areas that will be impacted by the vibrations/Rayleigh waves from the High-Speed trains and increased freight train traffic?
- 6. In Rayleigh surface waves the particle motion has both horizontal and vertical components. No where is this discussed in the EIS. The problem to find out a low-cost method to install barrier walls against train-induced ground vibrations has been under investigation. The purpose is to isolate buildings from the traveling Rayleigh surface waves. This usually happens when the soil consists of soft layers of clay. Such places are locating very often in coastal places, where the soil originates from the sea bottom sediments or erosion sludge conveyed by rivers. One promising work method is sheet-piling, in which case the barrier has to be composed of sheet-pile wall with soft isolation layer at its building side. The purpose of the wall is to reduce the amount of soil masses to be removed and also to support the isolation layer. Isolation material could be air cushion or granular material like artificial gravel. The installation work can be carried out by computer controlled boom system, which allows drive the pile wall in prescribed inclination angle. The boom is equipped with an integrated gripper-driver unit and may belong to an excavator with track wheels or it may be mounted on a customized wagon. By changing cyclically the bucket and sheet piler, the work process can run in piling-digging-layering-filling phases semi-automatically, where the operator assists changes from one internally automatic task to a next one.
- 7. In all of the material it shows that the trains will be traveling at a distance of 50 feet from structures, this is not the case in most cities along the Treasure coast. In Figure 4.2.2-4 the AAF EIS shows Locomotive Powered Passenger or Freight trains traveling at 50 mph. However, with existing speeds of the freight trains that travel along the N-S Corridor at 54.2 mph, no where does it show what the

impact of the High-Speed train traveling at 103.34 mph through Indian River County, 93.38 mph in St. Lucie Co. and 76.96 mph in Martin Co. Why? Explain.
Thank you for your time and have a great day!
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EXHIBIT 10

Correspondence from Mr. Robert J. Kennedy, President of the Marine Industries Association of Palm Beach County dated November 20, 2014

Kim Delaney

Kennedy, Michael J. <MKennedy@ciklinlubitz.com> From: Sent:

Thursday, November 20, 2014 10:27 AM

'kdelaney@tcrpc.org' To:

Re AAF From Michael Kennedy MIA PBC Subject:

I have reviewed the memo for agenda item 9, AAF DEIS.

It is well written, but I offer three points ..

One, I believe the actual length of the freight trains exceeds the length stated, I think they are closer to 9,000 feet and may be more. I will try to run this to ground.

Two, your statements on pages 9 & 10 discussing wait times and number of boats potentially waiting queues are accurate, but may understate the safety and potentials for vessel interactions.

The St. Lucie and Loxahatchee River RR Bridges both are located an points where those waterways are narrow and points through which strong tidal flows occurs due to the volume of water that passes through those points. Holding a boat in a "queue" in these tides is difficult and raises safety concerns. These bridges have narrow horizontal clearances and vessels of broad beams passing in opposing directions have a narrow margin. This is exacerbated when commercial traffic like barges and tugs travel through as they block the entire span. This could lead to user conflicts. It would be helpful to have the bridge tender that is already in place, assist with traffic. Some method of predictability is needed.

Three, barrages which travel through the three bridge gauntlet must wait till a slack tide which means there are limited to one of possibly two windows each day. Barges should have "fleets" upon which they can ties off/lay up against " within about ¼ mile of each side of the St. Lucie bridge. Norte, the St. Lucie bridge is the gateway to the Okeechobee waterway, the only cross Florida water for commerce and hurricane evacuation..

Michael J. Kennedy, President MIA PBC

Ciklin Lubitz Martens & O'Connell 515 North Flagler Drive, 20th Floor West Palm Beach, FL 33401-4343

EXHIBIT 11

Correspondence from the City of Palm Beach Gardens dated November 20, 2014



November 20, 2014

Mr. Michael Lefevre, Operations Planner All Aboard Florida 2855 Le Jeune Road, 4th Floor Coral Gables, FL 33134

Dear Mr. Lefevre:

Subject: All Aboard Florida

As Florida East Coast Industries' All Aboard Florida project moves forward, questions remain on how the project will be implemented and the specific impacts it will have on the City of Palm Beach Gardens. Although All Aboard Florida has conducted an intense public outreach campaign on the project as a whole, questions remain on the exact details exclusive to the City.

The City Council and I, along with City Staff, are requesting from All Aboard Florida written responses to the following questions and concerns:

- Will plans include pedestrian crossings (especially for the crossings at Lighthouse Drive/A1A and Burns Road/A1A due to children crossing for school)?
- Will crossings be compliant with ADA Standards?
- Will any crossings have overhead / over-the- road crossings?
- What will be done to mitigate the possible delays in response times for First Responders?
- What are the differences between a 'Sealed Corridor' and a 'Quiet Zone' in liability, cost, maintenance, and noise expectations?
- Please confirm the speed that the trains will be traveling through the City of Palm Beach Gardens.
- Which entity (All Aboard Florida, Florida East Coast Industries, and/or the City of Palm Beach Gardens) is financially responsible for the improvements necessary to create the 'Sealed Corridor'?
- Which entity (All Aboard Florida, Florida East Coast Industries, and/or the City of Palm Beach Gardens) will be financially responsible for the future maintenance of the grade crossings?
- How will the new track(s) affect the ditch area on the west side of the track (beginning at C-18 canal to just north of RCA Boulevard)?
- Will the new tracks eliminate all of the vegetation on the west side of the track that is currently helping to mitigate noise issues for nearby residents and businesses (beginning at C-18 canal to Donald Ross Road)?

Mr. Michael Lefevre November 20, 2014 Page 2 of 2

- Will the project plans include proposed traffic and pavement markings?
- Will the signal devices and gates installed be of a standard design approved by the City Engineer?
- When will the City of Palm Beach Gardens receive the 90% and the 100% / final drawings?
- · What is the current status of the funding of the project?
- Does All Aboard Florida still intend to seek publicly guaranteed loans? If so, how much?
- Does the revised method of payment remove the need for the Environmental Impact Statement (EIS)?
- In regards to the crossing agreement, what is considered to be "necessary and reasonable capital investments" to which All Aboard Florida is committing?
- Are there future plans to connect the All Aboard Florida project with Tri-Rail services in the City of Palm Beach Gardens?
- · What is the anticipated amount of freight train volume projected daily and hourly?

As the Operations Planner for All Aboard Florida, it is the City's hope that you, or the appropriate party, will address these questions and concerns in writing so that all parties have a mutual understanding of key issues that impact the City's residents and businesses.

The City thanks you in advance for your responses.

Sincerely,

Robert G. Premuroso

Mayor

cc: City Council

Mr. Ronald M. Ferris, City Manager

Mr. John Winkle, Federal Railroad Administration (FRA)

Mr. Michael Busha, Treasure Coast Regional Planning Council

Mr. Nick Uhren, Palm Beach MPO

available to the public and media upon request. It is the policy of St. Lucie County that all County records shall be open for personal inspection, examination and / or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.



November 12, 2014

Mr. John Winkle Federal Railroad Administration United States Department of Transportation 1200 New Jersey Avenue, SE Room W38-311 Washington, DC 20590

Dear Mr. Winkle:

Enclosed is a copy of Resolution No. 14-22 that was approved by a unanimous vote of the MetroPlan Orlando Board earlier today confirming our strong support for the All Aboard Florida project.

MetroPlan Orlando is the federally-designated organization that is responsible for regional transportation planning in the Orlando metropolitan area. As such, we request that our position be considered in your review of the Draft Environmental Impact Statement that has been prepared for the project.

In addition to this Resolution, we will have representatives attending the public meeting that is scheduled for November 13, 2014 at the Wyndham Orlando Resort to further demonstrate our support for this exciting project.

Sincerely,

Harold W. Barley Executive Director

Harred W. Ba

Enclosure

ion to this Resolution, we will mave representatives attending the public meeting than as not suffed for Nevember 13, 20 dea. The Wynchern Ordando Reson to forture, demonstrate in a support for this exciting project.

315 East Robinson Street
Suite 355 Vectors 20 (2018)

Orlando, Florida 32801

Ph: 407.481.5672

Fx: 407.481.5680 www.metroplanorlando.com

Dear Mr. Wirlke:





APPROVED BY
METROPLAN ORLANDO

Excerpt from November 12, 2014 Board meeting minutes.

Lalle 11/12/14

CONSENT AGENDA (ACTION ITEM)

F. Approval of Resolution No.14-22 in Support of the All Aboard Florida Project

Board approval was requested of Resolution No. 14-22 in support of the privately-financed All Aboard Florida project that will provide high speed passenger rail service between Orlando and Miami with stops in West Palm Beach and Ft. Lauderdale. This Resolution will be submitted to the Federal Railroad Administration for consideration during their review of the Draft Environmental Impact Statement (DEIS) that has been prepared for the project. A copy of Resolution No. 14-22 was provided.

MOTION: Mayor Jim Swan moved approval of Consent Agenda Items A-G. Commissioner Scott Boyd seconded the motion, which passed

unanimously.





RESOLUTION NO. 14-22

SUBJECT:

SUPPORT FOR THE ADVANCEMENT AND IMPLEMENTATION OF THE ALL ABOARD FLORIDA PROJECT

WHEREAS, the Orlando Urbanized Areas' Metropolitan Planning Organization (MPO), d.b.a. MetroPlan Orlando, is the duly designated and constituted body responsible under federal and state laws for carrying out the urban transportation planning and programming process for the Orlando and Kissimmee Urbanized Areas; and

WHEREAS, Florida Statutes 339.175; 23 U.S.C. 134; and 49 U.S.C. 1602, 1603, and 1604 require that urban areas, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urban area; and

WHEREAS, the MetroPlan Orlando Board has placed increased emphasis on transit and intermodal facilities in the development of the Year 2040 Long Range Transportation Plan adopted on June 11, 2014; and

WHEREAS, the Board has been fully informed on plans for the *All Aboard Florida* project since its inception in 2012 and has been kept informed as more detailed project plans have evolved since that time; and

WHEREAS, this privately-financed project provides an important opportunity for connecting Central Florida with South Florida in a manner that reduces traffic congestion, helps avoid air quality problems, benefits residents and businesses, boosts tourism and results in tremendous economic benefits; and

WHEREAS, our Year 2040 Long Range Transportation Plan includes the *All Aboard Florida* project and the Intermodal Center at Orlando International Airport which is designed to serve as the All Aboard Florida trains as well as other modes of transportation including SunRail, our regional commuter rail system; and

WHEREAS, funding the Intermodal Center has been a top regional priority for the past year and we were very thankful when Governor Scott announced \$215 million in state funds being provided for the design and construction of the Intermodal Center; and

Board Resolution No. 14-22: Support for the Advancement and Implementation of the All Aboard Florida Project

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WHEREAS, the Federal Railroad Administration (FRA) issued a Finding of No Significant Impact (FONSI) for the Miami-West Palm Beach segment of the *All Aboard Florida* project (Phase I) in 2013 and granted authorization to proceed with construction of Phase I; and

WHEREAS, the Draft Environmental Impact Statement (DEIS) has been completed on the cumulative effects of Phase I and Phase II of the *All Aboard Florida* project, with added emphasis on West Palm Beach-Orlando segment (Phase II) and comments are being requested by the Federal Railroad Administration; and

WHEREAS, the Draft Environmental Impact Statement states that "the cumulative analysis for the project shows that the combination of the *All Aboard Florida* Passenger Rail Project impact with other impacts would not result in a serious deterioration of environmental functions or exceed applicable significant thresholds" and further notes that mitigation measures could be employed to address adverse impacts;

NOW, THEREFORE, BE IT RESOLVED that the MetroPlan Orlando Board enthusiastically supports the *All Aboard Florida* project as an innovative service that will improve intercity mobility between two of the state's megaregions, promote business growth and provide exciting economic development opportunities around each of the four station sites; and

BE IT FURTHER RESOLVED that the MetroPlan Orlando Board recommends that the Federal Railroad Administration authorize Phase II construction to complete the *All Aboard Florida* project as originally envisioned.

Passed and duly adopted at a regular meeting of the MetroPlan Orlando Board on the $\underline{12^{th}}$ day of November, 2014.

CERTIFICATE

The undersigned duly qualified as Chairman of the MetroPlan Orlando Board certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the MetroPlan Orlando Board.

Honorable Robert Dallari, Chairman

Attest:

Lena E. Tolliver, Sr. Board Services Coordinator

and Recording Secretary



DOUG SMITHCommissioner, District 1

ED FIELDING
Commissioner, District 2

ANNE SCOTT
Commissioner, District 3

SARAH HEARD Commissioner, District 4

JOHN HADDOX Commissioner, District 5

TARYN KRYZDA, CPM County Administrator

MICHAEL D. DURHAM County Attorney

MARTIN COUNTY

BOARD OF COUNTY COMMISSIONERS

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Via Email & Hand Delivery

October 30, 2014

John Winkle Transportation Industry Analyst Federal Railroad Administration

RE: All Aboard Florida

Dear Mr. Winkle:

Martin County citizens have expressed deep concerns about the detrimental impact the All Aboard Florida project will have upon our County and our individual residences.

This project will negatively affect our most disadvantaged communities by significantly limiting their mobility in going to work and in shopping for daily necessities.

The increased traffic will interfere with citizen access to most medical offices and our hospitals. Downtown Stuart will be hard hit with the increased traffic congestion.

The multi-hour closing of the railroad trestle across the St. Lucie River will plug up our marine traffic; on average 250 vessels per day. Such limitation to ocean access will dramatically affect our waterfront property values, hence all real estate values in the County.

Martin County certainly is an impacted area meriting an in-depth analysis in the EIS review. Guesstimates as currently employed in preparing the EIS are not acceptable to us nor should be to FRA. So, RRF requiring an EIS should be drawn from actual data.

If the applicant seeks Private Activities Bond funding, then Martin County should be included as one of the local governments impacted by the project, hence having the right to vote on its acceptability according to the IRS code.

Mr. Winkle, our right to approve the project is an important issue. Please direct me to the office, agency that I would talk to about our rights in event of PAB financing.

Thank you.

Sincerely,

Ed Fielding

Martin County Commissioner

District 2

EF:rz

TELEPHONE 772-288-5400

WEB ADDRESS http://www.martin.fl.us